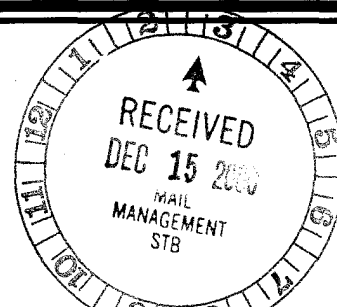


201049



**In The Matter Of:**

***DM&E POWDER RIVER BASIN EXPANSION PROJECT  
PUBLIC MEETING***

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***DRAFT ENVIRONMENTAL IMPACT STATEMENT***

***November 15, 2000***

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***Beta Reporting  
910 17th Street, N.W.  
Suite 200  
Washington, DC 20006  
(202) 638-2400 or (800) 522-2382***

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DM&E POWDER RIVER BASIN EX-  
PANSION PROJECT  
PUBLIC MEETING  
DRAFT ENVIRONMENTAL IMPACT  
STATEMENT  
North Mankato, Minnesota

Page 2

[1] PROCEEDINGS

[2] (1:05 p.m.)

[3] MR. GARDINER: Good afternoon. [4] Thanks very much for coming. We're here to [5] talk about the proposed DM&E expansion [6] project, so if you're here for a training [7] session, or a luncheon, we're not providing [8] that.

[9] My name is Charles Gardiner. I'm [10] the facilitator today. My role is to make [11] this meeting as productive as possible for [12] you, as well as productive for the project [13] team that's here to hear your comments. We're [14] going to cover a couple of logistical items, [15] and then we have a short presentation about [16] the project, and then we'll get to your [17] comments.

[18] First of all, I just want to touch [19] base on what our purpose is today. I want to [20] describe a little bit to you the roles of the [21] federal agencies that are involved in the [22] project in reviewing the environmental

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[1] impacts of the proposed expansion. I want to [2] provide a very brief overview of the project, [3] and, also, an overview of the environmental [4] impact report, impact statement that's been [5] prepared. Most importantly we want to hear [6] your comments on that Draft Environmental [7] Impact Statements.

[8] So our agenda is in line with that. [9] I'm going to cover the team introductions and [10] some ground rules for this afternoon. Then [11] the team is going to talk about the role of [12] the Surface Transportation Board. The [13] Surface Transportation Board is the lead [14] agency in preparing the environmental review. [15] Also, the roles of the cooperating agencies, [16] the other federal agencies that are working [17] with the Surface Transportation Board in [18] reviewing the project. Then, we also do an [19] overview of the project and a quick snapshot [20] of the environmental impact review results. [21] Again, most importantly we want to get to — [22] allow plenty of time for you to provide

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[1] comments.

[2] Let me do some quick introductions [3] of the folks who are up front. Vicki Rutson [4] is here from the Surface

Transportation [5] Board. She is the project manager for the [6] Board on the environmental review of the [7] project. Steve Thornhill is here from Burns & [8] McDonnell. Steve is the manager of the [9] consulting team that worked with the Surface [10] Transportation Board in preparing the Draft [11] Environmental Impact Statement. Tim Fell is [12] here from the Army Corps of Engineers. He's [13] going to talk briefly about their role in [14] reviewing the impacts, the waterways, [15] wetlands, and so forth. I'm the facilitator [16] today.

[17] Let me cover a couple of things [18] about the materials you probably picked up at [19] the front door. The first is — has the [20] Agenda on the front. Inside that are [21] procedures for receiving comments, the ground [22] rules are listed there. I'm going to cover

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[1] those in a minute. But, also, there's a [2] description on the back of how you can submit [3] written comments. A deadline for those [4] comments. Comments on the Draft Environmental [5] Impact Statement are due January 5, 2001. [6] There are some other deadlines listed here [7] about some of the permit applications and so [8] forth. So those are all the mailing [9] addresses you can submit written comments to.

[10] There's also a sheet that looks [11] like this, a white sheet. It's a comment [12] sheet. You may feel more comfortable, if you [13] prefer to provide written comments today, we [14] offer this as a way — a mechanism to do [15] that. You can sit and write your comments, [16] feel free to drop that at the table on your [17] way out. You also may have come with a [18] prepared statement. We encourage you to leave [19] that with us. It helps us in capturing all [20] of your comments.

[21] There is also a short sheet like [22] this that has a couple of contact numbers on

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[1] it. The first is the Board's website. If [2] you're online, you can get access to the [3] Draft Environmental Impact Statement on the [4] website. You can take a look at it there. It [5] also has the project Hotline. That is not a [6] place to provide comments, but it is a place [7] if you have questions about the comment [8] deadline, or where the closest library is, [9] those kinds of things. You can call the [10] Hotline and we'll get back to you as quick as [11] we can.

[12] There's also one other card in [13] there. This is — we're going to cover, [14] hopefully, most of the procedural aspects [15] that you might be interested in in this [16] presentation. There may be something about [17] some of the process that we're involved in [18] here that you

have a question. You can fill [19] this out, drop it at the back table, or bring [20] it to us during the meeting, and we'll try to [21] answer those if we haven't covered something [22] in the presentation.

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[1] It is not our intent or purpose [2] today to answer questions about the Draft [3] EIS. We're here to receive your comments on [4] it. So this is really for more procedural [5] questions. If you have a question, something [6] isn't clear in the Draft EIS, or there's [7] information missing, please turn that into a [8] comment and provide that to the team and [9] you'll hear in a moment how the team will be [10] addressing all of those comments. Those are [11] the logistical points.

[12] Let me cover just some ground rules [13] that we want to operate by this afternoon. [14] First, and probably most importantly, I'd ask [15] that we have one speaker talking at a time. [16] All these microphones, I think, are on, so [17] they will pick up side conversations. We have [18] a court reporter here who is transcribing [19] your comments. It's important that only one [20] of you be talking so we capture things [21] accurately.

[22] We want to honor the time limits.

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[1] We have a number of people who have signed up [2] to speak. We have set a three minute time [3] limit for people to comment. To the extent we [4] have time available at the end, we may come [5] back if people have further comments. But we [6] really want to be sure that we get to [7] everybody who signed up. So in fairness to [8] the people who are lower on the list we want [9] the people on the front of the list to keep [10] to those time limits. To give you a little [11] guideline about what that means, if you come [12] with a prepared statement, you get about a [13] page and a half at the most in three minutes. [14] So if you have a longer statement than that, [15] I would encourage you to start thinking about [16] what are the key points, and highlight those, [17] and, again, you can leave the longer [18] statement with us, we'll make sure that it [19] gets into the record.

[20] Lastly, I want to be sure that we [21] respect others opinions. This project is [22] controversial. It has generated lots of

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[1] opinions for and against, and lots of [2] differing opinions. Our purpose today is to [3] hear all of those opinions and make sure that [4] we hear them all. So, you can certainly [5] support other people, but by clapping during [6] their presentation it's going to cut into [7] their time. If you have objections to [8] people's presentations,

or rebuttal [9] statements, I encourage you to keep those to [10] yourself. Direct comments up here at your [11] opportunity to comment. So, I'll be working [12] to track all of these ground rules.

[13] So now is a very good time for [14] everybody to nod and say we'll live by those [15] ground rules. So, with that, I'm going to [16] pass it to Vicki to start off a short [17] presentation, just an overview of the [18] project.

[19] **MS. RUTSON:** Thank you, Charles. [20] Can everyone hear me? There's a few more [21] seats up front here if you brave souls want [22] to take a seat. Again, I'm Vicki Rutson. I'm

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[1] an attorney with the Surface Transportation [2] Board's Section of Environmental Analysis. [3] I'm very pleased to be with you all this [4] afternoon, and I'm anxious to hear your [5] thoughts on the Draft Environmental Impact [6] Statement.

[7] I'd first like to tell you a little [8] bit about the Surface Transportation Board. [9] The Board is a federal agency located in [10] Washington, D.C. It's composed of three [11] members, a chairman, a vice-chairman, and one [12] Board member. Congress has charged the Board, [13] given the Board the authority of licensing [14] certain railroad actions. Those include [15] railroad mergers, railroad abandonments, and [16] the type of application that DM&E has filed, [17] a railroad construction application.

[18] The Board's involvement in the DM&E [19] project began in February of 1998 when DM&E [20] filed an application with the Board asking to [21] construct a 262 mile new rail line into [22] Wyoming's Powder River Basin. DM&E's

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[1] application also asked for constructions in [2] Mankato and Owatonna, Minnesota. That was the [3] original application filed in February [4] of '98.

[5] That application started two [6] processes at the Surface Transportation [7] Board. The first is known as the Merits [8] Review Process, or the Transportation Merits [9] Analysis. This is a three part test that the [10] Board looks at. The Board asks, in looking at [11] an application, is this applicant financially [12] fit. Is what this applicant is proposing in [13] the public interest. Is there a public need [14] for this proposal. On December 10th of 1998, [15] the Board issued a decision finding that [16] DM&E's application back in February of '98 [17] met this three part test.

[18] In that decision, though, the Board [19] said we don't have all the information in [20] front of us right now, because the [21]

environmental review process, which is the [22] second process that occurs at the Board, has

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[1] only just started. Until the Board has all [2] the information from the environmental review [3] process, and that process is complete, there [4] can be no final decision on DM&E's [5] application. [6] That starts the process that we're [7] involved in right now, the environmental [8] review process. It's a multi step process [9] under a statute called the National [10] Environmental Policy Act, or NEPA. On [11] September 27th of 2000, the Board issued a [12] Draft Environmental Impact Statement. That's [13] the reason why we're all here this afternoon.

[14] The D-EIS (DEIS), as it's called, [15] is intended to serve a number of purposes. [16] The most important purpose is to disclose to [17] you, the public, to federal, state and local [18] agencies, to tribes, and to affected [19] communities, what the Board believes to be [20] the potential environmental impacts of DM&E's [21] proposal. The Draft EIS also looks at [22] potential environmental impacts of

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[1] alternatives to DM&E's proposal, including [2] the no build alternative, or no action [3] alternative.

[4] The DEIS also sets forth the [5] Board's preliminary recommendations on [6] mitigation and on certain routes that may be [7] considered environmentally preferable.

[8] The Board issued the Draft EIS for [9] a 90 day comment period. That comment period [10] right now is due to expire on [11] January 5, 2001. Normally, there's a 45, a [12] minimum 45 day comment period required on [13] Draft EISes. Because this Draft EIS is long, [14] and because this process is very complex, and [15] DM&E's proposal is complex, the Board felt [16] that 90 days was appropriate. I know a lot of [17] folks are asking for additional time, and [18] we're certainly willing to consider those [19] requests.

[20] When the environmental review [21] process is over, what happens next? We'll [22] take all of your comments and respond to them

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[1] in a Final Environmental Impact Statement. If [2] appropriate, and necessary, we'll conduct [3] additional environmental analysis in the [4] FEIS. When we issue the Final Environmental [5] Impact Statement, that is the end of the [6] environmental review process. At that point, [7] the decision-maker, the Board, will have all [8] the information in front of

it to make a [9] final decision on DM&E's proposal.

[10] At that point, the Board will issue [11] a final decision, and it will make one of [12] three decisions. It has three choices before [13] it, and it must make one of those choices. [14] The choices are to either approve DM&E's [15] proposal, as submitted; to approve DM&E's [16] proposal, but only with certain mitigating [17] conditions; or, third, to deny DM&E's [18] proposal. Those are the three choices.

[19] In issuing the Draft Environmental [20] Impact Statement, the Board is considered the [21] lead federal agency, but we've worked [22] cooperatively with five other federal

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[1] agencies. These agencies also have a [2] decision-making role in this process. Those [3] other agencies are the Forest Service, the [4] Bureau of Land Management, the U. S. Army [5] Corps of Engineers, the Bureau of [6] Reclamation, and the Coast Guard. Tim Fell, a [7] representative of the Corps, is with us this [8] afternoon and will be speaking a bit about [9] the Corps' role in this process.

[10] Another federal agency, the [11] Environmental Protection Agency, has a role [12] as well. EPA will be rating the Draft [13] Environmental Impact Statement and issuing, [14] in effect, a grade. A representative of EPA [15] is with us this afternoon, Mazin Enwiya. [16] Thank you, Mazin.

[17] With that, I'd like to pass the [18] mike on to Tim Fell from the Army Corps of [19] Engineers. Again, thank you so much for [20] coming here this afternoon and I'm looking [21] forward to hearing your comments.

[22] **MR. FELL:** Thank you, Vicki. As

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[1] Vicki said, my name is Tim Fell. I work with [2] the St. Paul District, Army Corps of [3] Engineers, out of the St. Paul office. Our [4] office will be responsible for reviewing the [5] project impacts that occur in the State of [6] Minnesota. The Omaha District of the Corps [7] of Engineers will be responsible for looking [8] at project impacts that occur in South Dakota [9] and Wyoming.

[10] The Corps permit jurisdiction in [11] this matter is based on Section 404 of the [12] Clean Water Act and Section 10 of the Rivers [13] and Harbors Act for work in what are called [14] navigable waters. The Corps permit would be [15] required for work in navigable waters, or for [16] the placement or discharge of dredged or fill [17] material into other waters of the United [18] States that includes rivers,

ponds, lakes, [19] and wetlands. A Corps permit would be issued [20] when it's determined that the proposal is not [21] contrary to the public interest. the plans [22] that are presented would represent the least

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[1] environmentally damaging alternative.

[2] There are many factors that would [3] be looked at during this public interest [4] review. Some of those would include [5] wetlands, wildlife habitat, water quality, [6] safety, cultural resources, flood plain [7] values, and economics.

[8] Information that's gathered during [9] this process, the public hearings, [10] information in the Draft EIS, the Final EIS, [11] comments that are made to us, to the Corps of [12] Engineers, through its public notice process, [13] and certainly comments that are made in this [14] type of public forum, this public hearing, [15] are all going to be used by the Corps to [16] consider that final permit decision.

[17] With that, I'd like to turn it over [18] to Steve Thornhill of Burns & McDonnell.

[19] **MR. THORNHILL:** Thank you. For [20] those of you standing in the back, there are [21] a few seats kind of toward the front, [22] scattered around, if you want to try and find

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[1] a seat.

[2] As Tim said, my name is Steve [3] Thornhill. I'm with Burns & McDonnell [4] Engineering. We are the consulting firm that [5] was hired to work under the direction and the [6] supervision of the Surface Transportation [7] Board in preparation of the Draft [8] Environmental Impact Statement. What I'm [9] going to do today is just take a few minutes [10] to go into a little more detail about what [11] Vicki had discussed the DEIS contains, kind [12] of hit some highlights for the project [13] itself.

[14] The Draft Environmental Impact [15] Statement contains, first, a description, [16] really, of the existing conditions within the [17] project area. what this is intended to do is [18] provide kind of an overview, paint a picture, [19] if you will, of what the environmental, [20] natural and human resources that occur in the [21] area are. that's intended to provide the [22] reader kind of some information on what's

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[1] there, and what the important things that are [2] present are.

[3] It goes on, then, to present what [4] the alternatives that are determined [5] reasonable and feasible for the project are [6] and discuss and describe those. One of

those [7] alternatives, as required under the National [8] Environmental Policy Act is the no action [9] alternative. after discussing the [10] alternatives, the Draft Environmental Impact [11] Statement presents the potential impacts of [12] each of those alternatives on the existing [13] environment, or the environmental resources [14] found in the project area.

[15] As Vicki indicated, in September, [16] September 27th of 2000, the Draft was issued [17] for public review. There is a 90 day comment [18] period which is set to conclude on January [19] the 5th.

[20] In looking at the proposed project, [21] the identified purpose and need for the [22] project includes two parts. The first part is

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[1] by constructing new rail line into Wyoming to [2] access the Powder River Basin coal mines. [3] The project would provide DM&E the financial [4] resources it would need to reconstruct its [5] existing line, thereby preserving, improving [6] service to its existing shippers and the [7] efficiency of rail transportation.

[8] The second purpose would be [9] facilitated, again by construction into the [10] Powder River Basin, would provide a third [11] carrier, rail carrier access to the region [12] increasing competition for the transport of [13] coal.

[14] There were four alternatives [15] evaluated for that extension. The first [16] alternative was to find as alternative A, or [17] the no action alternative. Alternative B [18] would involve construction of new rail line, [19] generally along the Cheyenne River Basin in [20] southwest South Dakota and into Wyoming. The [21] third alternative was alternative C, which [22] included kind of a modification of the

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[1] alternative B alignment that removed the [2] alignment from the Cheyenne River to avoid [3] sensitive environmental areas along the [4] river. The fourth alternative was alternative [5] D, and that included the additional [6] reconstruction of DM&E's existing system [7] combined with construction of new rail line [8] parallel to existing rail corridors in the [9] area to take maximum use — or make maximum [10] use of existing rail corridors in the area.

[11] Just to kind of hit on a few [12] highlights of what the project involved for [13] each of the three states involved, in [14] Minnesota, the DEIS evaluated the potential [15] impacts of reconstructing the existing DM&E [16] rail line, evaluated the potential impacts of [17] potential new constructions in the [18] communities of Owatonna, Mankato, and [19] Rochester. They looked at the impacts of

[20] three new rail yards.

[21] Some of the unique characteristics [22] that were identified for Minnesota included

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[1] the many communities along the rail line, the [2] farmers and farms located both along the [3] existing rail line and in the areas of [4] proposed new construction. The Mayo Clinic [5] presented a unique circumstance. Sensitive [6] riparian areas and wetlands throughout the [7] state. Again, both along the existing rail [8] line and in the areas of new construction. [9] The flood control projects present in the [10] communities of Mankato and Rochester.

[11] In South Dakota, the project would [12] include the proposed new construction of rail [13] line to facilitate access to the mines. [14] There were two new rail yards proposed for [15] South Dakota, and the existing DM&E rail line [16] was proposed for reconstruction. There were [17] alternative alignments evaluated in the [18] Spring Creek, Hay Canyon areas of South [19] Dakota, and, also, around the community of [20] Brookings.

[21] Some of the unique characteristics, [22] and, again, these are intended to provide a

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[1] summary. These are by far, by no means all [2] inclusive of what we determined. But in South [3] Dakota, the unique things that were [4] identified included impacts to Buffalo Gap [5] National Grassland, impacts to various tribal [6] issues, the numerous ranchers and farmers [7] found throughout the state, including both [8] those, again, along the new construction and [9] the existing rail line. Sensitive riparian [10] areas, particularly those along the Cheyenne [11] River, impacts to Angostura Irrigation [12] District, and, again, impacts to the many [13] communities in the area, particularly those [14] along the line, and impacts associated with [15] either rehabilitation, or construction of a [16] new bridge across the Missouri River at [17] Pierre, South Dakota.

[18] In Wyoming the project involved the [19] proposed new construction of rail line to [20] access the mines. There was one new rail [21] yard proposed in order to facilitate the [22] transport of coal and the access to the

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[1] mines. There were alternatives evaluated to [2] access the Black Thunder Mine and the North [3] Antelope Mine. The unique characteristics [4] identified in the state of Wyoming included [5] Thunder Basin National Grassland, and



impacts [6] to the numerous ranches and ranchers found [7] throughout the area. [8] In conducting its analysis, what [9] was determined was that numerous [10] environmental resources would be [11] significantly impacted by this project. Not [12] all of these resources would be significantly [13] impacted by all parts of the project in all [14] states. But some component of the project [15] would significantly impact each of these [16] resources. Those resources determined to be [17] potentially significantly impacted included [18] safety, pertaining mostly to highway rail [19] grade crossing safety, geology and soils, [20] water resources, wetlands, paleontological, [21] or fossil resources, cultural resources, [22] including both archeological and historic,

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[1] threatened and endangered species, land use, [2] noise, air quality, environmental justice, [3] esthetics, socioeconomics, and cumulative [4] impacts of this project combined with other [5] reasonable and foreseeable projects in the [6] project area.

[7] The final thing that the Draft [8] Environmental Impact Statement attempted to [9] do was to present potential mitigation [10] measures that could be employed should the [11] project receive an approval to minimize or [12] mitigate the potential impacts. At this time, [13] the mitigation measures generally were [14] general in nature so that they could be [15] applied to all of the alternatives that were [16] evaluated in the DEIS. Because of that, most [17] of these could be classified as what would be [18] considered best management practices. Things [19] like use of silt fences and straw bales to [20] control erosion.

[21] Many of the mitigation measures [22] involve requirements that DM&E coordinator

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[1] with local, state and federal agencies that [2] also had jurisdictional issues or concerns [3] with the project in order to develop [4] mitigation measures that would satisfy those [5] entities and minimize their concerns and [6] impacts.

[7] However, in conducting its [8] analysis — as I said, there were a number of [9] significant impacts to a number of resources, [10] it was determined that many of these impacts [11] would be difficult to effectively mitigate. [12] Because of that, an important part of this [13] process is that we are requesting your [14] comments on mitigation measures that you feel [15] specific to your circumstance, or your area, [16] would be effective in mitigating the [17] potential impacts of the project. If those [18] are available.

[19] The final thing that was discussed [20] under mitigation was the concept of [21] negotiated agreements. These involve DM&E [22] being required, or requested to coordinate,

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[1] negotiate with local entities, agencies, [2] communities, or agencies for ways or plans [3] that can be developed that all the parties [4] can agree to that would effectively mitigate [5] different impacts of the project.

[6] As part of the mitigation section, [7] it is determined how those agreements need to [8] be filed with the Surface Transportation [9] Board so that they can be considered in the [10] process and imposed as a condition of [11] approval should approval be given to this [12] project.

[13] So with that, I will close. Thank [14] you all for coming. Thank you for your [15] comments. Charles.

[16] **MR. GARDINER:** Thank you. We're [17] going to take a break here. There are a few [18] people out in the hall standing in the back. [19] There are 20 seats up front. Now is a good [20] time. Come up front. Come on up. There's a [21] bunch of seats over here. I'm assuming those [22] who are still standing will remain standing.

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[1] There are seats over here.

[2] Okay. A couple of other logistical [3] items. Again, just to — the types of [4] comments you can submit. Oral comments [5] today, that we are transcribing. Written [6] comments on the comment sheet. Or, if you [7] have got a written statement already, you can [8] leave those with us today. Then, written [9] comments by mail. If you don't have all of [10] those addresses, you can pick up a sheet on [11] your way out.

[12] Vicki described a little bit about [13] the response process. The team will be [14] taking your comments and reviewing them and [15] responding to the substantive comments in the [16] Final EIS. The Final EIS goes before the [17] Board as they make their decision. So that [18] is the response process. We'll collect all [19] those comments in all of these meetings, as [20] well as the written comments, and go through [21] them and respond to them in the Final EIS.

[22] More specifically, the things that

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[1] we're seeking comments on are the Draft EIS, [2] that Steve just described, and that includes [3] a couple of other elements. The Programmatic [4] Agreement addresses Native American issues. [5] The Biological Assessment deals with [6] threatened and endangered species. So

those [7] are some specific components of it.

[8] Also, as Tim talked about, the [9] Section 404 permit applications, that's [10] regarding impacts to waterways and wetlands. [11] the proposed Forest Plan Amendments that deal [12] with the Forest Service actions and reviews [13] of impacts. Those are three specific elements [14] that we're looking for your comments on.

[15] The order that we'll take [16] commenters is if there are any federal or [17] state elected officials here, we'll take them [18] first. The pre-registered speakers, and I [19] have that list. We'll work through that list [20] next. Then, other speakers, some of you may [21] have signed up when you arrived here to [22] speak, we'll take those. Then, lastly, if

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[1] there are folks here who have spoken at [2] previous meetings, to the extent we have time [3] available we'll take comments from those [4] folks as well.

[5] Again, the ground rules, for those [6] of you who arrived late, we've set three [7] minutes as a limit for speaking. That's about [8] a page and a half if you have a prepared [9] statement. So, think about summarizing, [10] highlighting your key points. again, please [11] provide the written statement to us. If you [12] could provide your name, and any affiliation, [13] if you're representing a group, that helps [14] the court reporter track things accurately. [15] Again, be concise, summarize your comments. [16] Again, I encourage people, a few tips, to [17] comment directly on the Draft EIS. That's [18] our purpose. The more specific you are, the [19] more direct you are about the impacts that [20] are assessed in there, the easier for these [21] folks to respond and get an answer back to [22] you. So, I encourage you to be specific and

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[1] on point about the environmental impacts.

[2] With that, we'll launch into the [3] comment period. I believe all of these [4] microphones are on. If we could check that [5] just before we get started. As far as I [6] understand, there are no federal or state [7] elected officials here. So, I think we'll [8] start right in on our list. What I'll do is [9] I'll give kind of three names at a time so [10] you can get prepared and you might want to [11] start moving up toward the microphone if [12] you're on deck.

[13] So, the first three names I have [14] are Dennis McCoy. Are you here? Good. Pat [15] Hentges. Right. Diana McKeown. All right. [16] Those are the first three. So, Mr. McCoy. I [17] will be timing. I'll give you kind of a 30 [18] second warning, so it might be a good time to [19] start thinking

about wrapping up.

[20] **MR. MCCOY:** Say when.

[21] **MR. GARDINER:** Go ahead.

[22] **MR. MCCOY:** Great. Good afternoon.

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[1] My name is Dennis McCoy. I'm the Blue Earth [2] County Administrator in Mankato, Minnesota. [3] The Blue Earth County Board of Commissioners [4] took official action in July '98 and filed it [5] with the STB opposing the DM&E bypass south [6] of Mankato, known as Alternative M-2. The [7] Board's position regarding Alternative M-2 [8] has not changed. It remains unanimously [9] opposed to the bypass south of Mankato.

[10] I would have to say that the SEA [11] effort, while impressive in its volume, is [12] inadequate and must be revised. Important [13] factual impacts are not described in the DEIS [14] because of discrepancies in describing the [15] alignment. At the very least, the comment [16] period must be extended another 90 days. Blue [17] Earth County requests the DEIS would be [18] withdrawn, amended and reissued to accurately [19] reflect the impacts of Alternative M-2. [20] Failure to do so would render an incomplete [21] and unacceptable DEIS and may result in [22] additional future delays.

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[1] A significant portion of the [2] information described in the Alternatives is [3] not accurate and does not describe the [4] potential alignment impacts in the detail [5] expected in a DEIS of this significance. [6] Chapters 2 and 3 describe impacts and [7] considerations for an alignment several [8] hundred yards from the actual proposed [9] locations. Errors of this magnitude must be [10] systematically addressed and corrected so the [11] official record — record is clear, concise [12] and accurate in — in many areas.

[13] The narrative descriptions in [14] Volumes 2 and 3 do not describe Alternative [15] M-2 as it appears on the maps in Volume 5 or [16] the Corps of Engineers Wetlands Permit [17] Application. The narratives describe an [18] alignment on the west side of the Blue Earth [19] River, and the maps show a significantly [20] different Skyline and LeHillier area [21] alignment which runs on the east side of the [22] river.

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[1] The narrative description is also [2] inconsistent with the detailed maps provided [3] to Blue Earth County by Burns & McDonnell [4] consulting engineers. Further, the [5] description on the east end portrays the [6] railroad as north of Highway 14 when it's [7] actually

south of the highway at that point.

[8] Blue Earth County strongly [9] disagrees with the conclusions stated on page [10] ES-51 that Alternative M-2 impacts can be [11] effectively mitigated. The inconsistencies [12] noted earlier do not support that conclusion [13] because the impacts have not yet been fully [14] identified as stated at 6.4.1. Recommending [15] an alignment without first identifying where [16] it goes and considering its impacts is [17] unacceptable.

[18] It is also clear that Alternative [19] M-3 has significant impacts on our [20] communities which must be further considered. [21] The unresolved impacts of this Alternative [22] extend beyond those identified in the DEIS

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[1] and include but are not limited to the major [2] crossings at County Road 12, the Sakatah [3] Trail, and Third Avenue.

[4] Blue Earth County encourages the [5] STB to extend the comment period, revise, and [6] republish the DEIS, and take the time [7] necessary to more closely examine the [8] impacts. Thank you.

[9] **MR. HENTGES:** Thank you. We have [10] issued an eight page submittal on comments [11] and we'll expand that — the committee has [12] received that. We'll expand that by further [13] filing —

[14] **MR. GARDINER:** Will you state your [15] name?

[16] **MR. HENTGES:** Pat Hentges, Mankato [17] City Manager.

[18] **MR. GARDINER:** Thank you.

[19] **MR. HENTGES:** That comments will be [20] filed before the January 5th deadline, and [21] that will be an expanded comment. A summary [22] of those comments is as follows: First,

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[1] similar to the M-4 alternative that was [2] abandoned for environmental concerns, the M-3 [3] alternative, the in-city route should be [4] removed from further consideration due to the [5] seriousness of documented environmental [6] impacts. The City formally opposes the M-3 [7] route and requests the STB to order the other [8] action alternative.

[9] The City also requests that the STB [10] remain vigilant regarding any possible [11] negotiations between the Union Pacific and [12] the DM&E to upgrade the existing corridor [13] without environmental considerations and [14] regulatory oversight.

[15] The balance of our comments will [16] center in five areas. First of all, the flood [17] control project. That is of grave concern to [18] the community. If acceptable testing of the [19] flood control

project is completed, the City [20] requests that the Corps of Engineers issue a [21] clear and concise recommendation regarding [22] possible impacts. Furthermore, the City

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[1] requests that the Corps of Engineers warrant [2] the project, any modifications, and indemnify [3] the City should the project fail, or [4] guarantee federal disaster relief.

[5] Second, trackage agreements. The [6] City is very concerned with the Union Pacific [7] and the DM&E negotiating the revised trackage [8] agreement that would involve the [9] consideration of additional trackage within [10] the UP right-of-way. In this scenario, the [11] additional trackage may be owned and operated [12] by the Union Pacific, but would be designed [13] to accommodate increased traffic of the DM&E. [14] The effect of this agreement would avoid the [15] jurisdiction of the STB and the NEPA, the [16] National Environmental Policy Act. The City [17] requests the STB to enforce the statements [18] contained in the Draft DEIS that the [19] extension is permitted into the Powder Basin [20] that an action alternative be required. A [21] revision of the trackage rights agreement is [22] to simply upgrade the UP trackage to

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[1] facilitate the DM&E operations is not one [2] stated in the action alternatives contained [3] in the application or the Draft DEIS.

[4] Additionally, under corridor [5] improvements, the City has an ongoing task [6] force establishing the corridor plan. This [7] effort is not intended to advocate the M-3, [8] in-city alternative or signal a willingness [9] with the DM&E — the project. The plan is [10] submitted to the STB before the end of the [11] comment period. We will submit that plan. [12] The mitigation within the plan is another [13] area of concern. We feel that in like — if [14] likely Alternative M-3 is ordered, the City [15] would expect a comprehensive mitigation [16] package be developed and paid for by the DM&E [17] and that includes a whistle-free and corridor [18] improvements.

[19] Finally, just the negotiations on [20] agreements, we want to state that we do not [21] have any ongoing negotiations with the DM&E [22] and do not have a partnership agreement in

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[1] place at this time.

[2] **MS. MCKEOWN:** My name is Diana [3] McKeown. I hold a BS in environmental studies [4] from the College of Natural Resources from [5] the University of

Minnesota, and I'm the [6] Energy Program Coordinator for the Clean [7] Water Alliance of Minnesota which is a state [8] chapter of the National Organization of Clean [9] Water Action. Clean Water has over 40,000 [10] members in the State of Minnesota and we were [11] alerted by members in south Minnesota in July [12] of '98 about this environmentally devastating [13] project.

[14] We respectfully request a 180 day [15] comment period for the DEIS. In addition, we [16] also request the period for commenting on the [17] Corps of Engineers 404 permits be extended [18] to 180 days as well. I believe that the [19] Minnesota Pollution Control Agency will also [20] be asking for an extension of the Corps of [21] Engineers' comment period since they have [22] just, for the first time, assembled their

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[1] team in the last ten days. These documents [2] are large, confusing, and hard to read, [3] analyzing comments, not only for public [4] citizens, but also for professionals, as well [5] as citizen groups. This is the busiest [6] season of the year for most people with the [7] holidays in November and December, and for my [8] organization this also includes the election [9] that, unfortunately, is not over yet.

[10] I will comment briefly, and I'll [11] submit written comments. The Clean Water [12] Action Alliance of Minnesota supports [13] Alternative A, no action alternative. My [14] comments will outline generally why we [15] support Alternative A and our written [16] comments will be more detailed.

[17] I'm mostly looking at the [18] environmental impacts of energy generation on [19] our water resources here in Minnesota. As I [20] speak here today, across the globe, in the [21] Hague, Netherlands, negotiators from all over [22] the world are working to further the work on

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[1] Kuhn Treaty to reduce carbon emissions and [2] greenhouse gases. For the U.S. the agreement [3] will have us reduce greenhouse emissions [4] seven percent below 1990 levels.

[5] Much of those greenhouse gases in [6] the U.S. come from coal fired power plants. [7] In this room we are discussing whether or not [8] to allow a private project, that not only [9] takes farmers' and ranchers' lands, violates [10] sovereign nation treaties, impacts our air [11] and water quality, lowers property values, [12] increases noise pollution, has safety [13] impacts, as well as delaying emergency [14] vehicles, but also may diverge from our [15] national policy and

potentially national [16] commitment to reduce our global contribution [17] to climate change.

[18] In addition to that, our national [19] decision — there's another looming national [20] decision that will have an impact. The EPA [21] will be making a determination by [22] December 15th of this year on whether to

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[1] regulate mercury from coal fired power [2] plants. Every indication is that they will [3] do that. While the DEIS cheerleads the [4] efforts of the DM&E to adhere to the Clean [5] Air Act by using low sulphur coal, they don't [6] mention that the low sulphur coal also has [7] lower BTU values and that the power plants [8] would need to burn more to get the same [9] thermal value meaning, yes, more carbon, more [10] mercury, and, also, potentially the same [11] amount of sulphur. In addition to using low [12] sulfur coal, it's not the only way to meet [13] the Clean Air Act amendments of 1990 as the [14] DEIS lead us to believe. These pending [15] decisions would have negative economic [16] impacts on the production of coal fired [17] energy, perhaps causing electric utilities to [18] switch fuels making this project literally in [19] vain.

[20] I guess the other thing I wanted to [21] mention was, we still — the question of [22] whether back hauls by DM&E has still never

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[1] been answered. This obviously is an [2] important question that could also have [3] environmental consequences and needs to be [4] analyzed. Thank you. I have documents to [5] submit. How do I turn them —

[6] **MR. GARDINER:** You may submit those [7] at the front desk.

[8] **MS. MCKEOWN:** Thank you. Okay.

[9] **MR. LOUWAGIE:** Good afternoon [10] members of the Surface Transportation Board. [11] I am Don Louwagie, and I am a soybean, corn [12] and soybean farmer from Marshall, Minnesota, [13] and I am proud to be Minnesota's Soybean [14] Growers Association current president. I want [15] to discuss the importance of rail [16] transportation for Minnesota's soybean [17] farmers and MSGA's strong support for the [18] Dakota, Minnesota & Eastern Railroad's [19] construction application.

[20] The MSGA supports the DM&E's [21] application because we believe it will [22] increase rail capacity, improve farm income,

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[1] boost rural economic development,

and reduce [2] the pressure on Minnesota's rural road [3] network. All of this will help maintain and [4] improve Minnesota's soybeans and entire [5] agricultural economy through a competitive, [6] environmentally sound and safer commodity [7] transportation system.

[8] Minnesota's 33,000 plus soybean [9] farmers are very dependent upon rail systems [10] as over two-thirds of our soybeans are [11] exported out of this state. With soybeans now [12] Minnesota's number one acreage crop, and [13] Minnesota producing 10 percent of the U.S. [14] soybeans, and about 5 percent of the world's [15] soybeans we need a modern railroad. There [16] will be even greater potential for a [17] long-term future of Minnesota soybean farmers [18] if we improve and expand the DM&E rail [19] system. Minnesota's soybean farmers will be [20] able to export soybeans and meal off the West [21] Coast to the largest growing world markets [22] for soybeans, that is Asia and China. Only

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[1] about 8 percent of the soybeans now are [2] exported through the U.S. Pacific Northwest [3] ports. We cannot now compete off of the [4] Pacific Northwest because the trains are too [5] slow, taking the DM&E nine days to move from [6] end to end. Rebuilding the DM&E will cut the [7] transportation time from days to hours, and [8] connecting with the other railroads will [9] allow the DM&E to open new markets for our [10] soybeans.

[11] As Minnesota's soybean policy [12] organization, MSGA is working to help farmers [13] get paid what they need and truly deserve by [14] producing soybeans by developing the world's [15] markets. Today the big short-term issue for [16] Minnesota's farmers is survival through a [17] period of extremely low prices. This is the [18] main issue affecting our bottom line income. [19] Soybean prices are at a 30 year low. The [20] Federal government has been attempting to [21] provide farmers financial survival [22] assistance. However, we must eventually have

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[1] markets for our soybeans if we are to prosper [2] and not just survive and that takes a modern [3] rail transportation. Because of Minnesota's [4] location, our soybeans are at the end of the [5] export pipeline. We must modernize and expand [6] the rail transportation.

[7] At present, much of DM&E's track is [8] worn out with large sections of its mainline [9] track restricted to low speeds. Higher speeds [10] with more rail cars will mean more volume and [11] a better basis price for Minnesota's farmers. [12] I hope from my comments you have come to [13] understand the MSGA

and Minnesota's soybean [14] farmers strongly supports the DM&E's [15] application now before you. We believe the [16] technical issues, environmental concerns, and [17] safety issues have been and can clearly be [18] addressed. We urge your prompt approval. [19] Thank you.

[20] **MS. KILANOWSKI:** Thank you. I have [21] here for Ms. Rutson a whole folder full of [22] requests for an extension that I will leave

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[1] at the front desk and along with the copies [2] of what would have been my full report if I [3] had been given more than three minutes today. [4] So I will read as fast as Ms. McKeown did.

[5] This project is to send 115 to 135 [6] cars, 37 times a day through the beautiful, [7] serene area that will require horrendous [8] cuts, fills, pollution of our waters, soil [9] and air. It's just going to destroy the [10] southern part of Mankato, LeHillier, and [11] Eagle Lake. 196.4 acres of farm land, 67.8 [12] acres of woods, 24.2 acres of residential [13] lands are going to be affected just in the [14] southern bypass.

[15] There is a statement in the DEIS [16] that states that farm land is abundant in [17] Minnesota, but it doesn't make it right to [18] take away that farm land from those of us [19] that are out there under eminent domain. [20] There are a minimum of eight homes and two [21] businesses that will be taken out. There are [22] many, many, many more homes and farms that

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[1] will be drastically affected by the noise, [2] vibration, and pollution along with the [3] devaluation of our property. The Mount Kato [4] ski area will be forced to close if this [5] southern route is approved.

[6] There are 19 roads in the southern [7] bypass that will be affected and several [8] township roads are projected to close. This [9] not only affects the residents of the bypass, [10] it affects the many communities that depend [11] on these roads to get them to Mankato, which [12] is the regional hub for this whole area for [13] shopping and for medical.

[14] My home happens to sit right on [15] County Road 41, not very far from the planned [16] southern route projection. With every road [17] around me being crossed with passive [18] crossings, the threat for us out there on how [19] to get fire department, ambulance, safety [20] patrol is of extreme concern. One of the [21] doctors that was at our meeting last night [22] stood up and said, "How is ever going to get

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[1] to town when he's called on an emergency [2] C-section and every road out of his home has [3] a crossing on it?" It's a big concern to us.

[4] We implore you, on behalf of the [5] Southern Bypass Coalition to, please, not [6] pick the southern route as your choice. Thank [7] you.

[8] **MS. HOPKINS:** Good afternoon. I'm [9] Ann Hopkins of the SRF Consulting Group. Our [10] firm has been retained by Blue Earth County [11] to review the Draft EIS for the DM&E [12] expansion project. The County wants to [13] ensure that the information in the DEIS is [14] clear, accurate, and provides a balanced [15] comparison of alternatives.

[16] We have completed a preliminary [17] review of the document and my comments today [18] will provide a general overview of the issues [19] that appear to warrant further analysis. More [20] detailed written comments will be submitted [21] by Blue Earth County prior to the end of the [22] comment period.

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[1] In reviewing the Draft EIS for the [2] area near Mankato, Minnesota there appears to [3] be an imbalance in the level of detail [4] provided for the two primary Alternatives, [5] M-2 and M-3. More detailed information seems [6] to be provided for the existing alignment, [7] Alternative M-3, than for the southern [8] alignment, Alternative M-2, leaving a gap in [9] knowledge about the potential impacts of [10] Alternative M-2.

[11] In addition, the Draft EIS provides [12] inconsistent descriptions of the M-2 [13] alignment and appears to reflect little field [14] reconnaissance. Important infrastructure is [15] not accounted, including flood control [16] structures along the Blue Earth River. [17] Furthermore, it appears that steep grades in [18] the Blue Earth River valley were not taken [19] into account in analyzing the impacts of [20] Alternative M-2. As a result, the Draft EIS [21] may have underestimated the potential impacts [22] of Alternative M-2.

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[1] To more clearly understand the [2] potential impacts of this alternative, Blue [3] Earth County is developing a set of plans, [4] profiles and cross-sections for Alternative [5] M-2. These materials will be used to [6] evaluate the following: The accuracy of [7] impacts on farmland, woodlands, and wetlands. [8] Visual impacts of potentially large cuts and [9] fills in and near the river valley. The [10] number of properties that would be adversely [11] affected by noise, vibration and right-of-way [12] acquisitions.

[13] In addition to this analysis, more [14] information is needed about the following [15] issues: Economic impacts of reduced [16] agricultural productivity, water quality [17] impacts on the Blue Earth River, noise [18] increases over existing conditions along the [19] M-2 alignment. Travel time impacts on rural [20] roadways crossed by the M-2 alignment, [21] environmental justice issues affecting low [22] income and minority households. Finally, the

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[1] issue of safety will be carefully considered. [2] A substantial amount of data is included in [3] the Draft EIS, but appears to be incomplete [4] in some areas resulting in a potentially [5] skewed comparison of alternatives. In [6] addition, the Draft DEIS does not provide a [7] clear illustration of the accident frequency [8] data for the two alternatives. Each [9] jurisdiction with roadways crossing the M-2 [10] alignment needs to understand the impacts on [11] safety and delay affecting their roadways and [12] the measures available to minimize these [13] problems.

[14] Blue Earth County wants to ensure [15] that the decision-makers have a clear and [16] balanced understanding of all the key impacts [17] resulting from Alternatives, both, M-2 and [18] M-3. We appreciate the opportunity to address [19] you today. Thank you.

[20] **MR. AMUNDSON:** Good afternoon. My [21] name is Lee Amundson. I'm the Steele County [22] Engineer in Owatonna, Minnesota. I'm

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[1] responsible for the maintenance and [2] construction of roads and bridges throughout [3] the County, as well as other improvements. [4] I'm appearing, as was stated earlier, on [5] behalf of Steele County.

[6] The Steele County Board has taken a [7] position regarding — they're opposing the [8] proposed bypass around the City of Owatonna. [9] Steele County does want to ensure that [10] adequate mitigation measures are required as [11] a condition of this project.

[12] We have four concerns that I'll be [13] addressing. Number one is safety [14] requirements. We're concerned that adequate [15] sight lines are available for all crossings. [16] Also proper grade warnings are at all [17] crossings. Grade crossings. Also, lights and [18] gates would be provided on all major [19] crossings including county roads. Lights and [20] gate crossings of two sidings proposed in the [21] county. There's one for the easterly side and [22] one for the central part of the county.

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[1] Also, we would be concerned that there's [2] maintaining and improving of the clearances [3] on substandard bridges.

[4] **SPEAKER:** We're having difficulty [5] hearing you people.

[6] **MR. AMUNDSON:** Is that better?

[7] **SPEAKER:** Yeah.

[8] **MR. AMUNDSON:** I'm sorry about [9] that. The second item regards transportation [10] needs. We are concerned that we keep all [11] county and township roads open, the necessary [12] ones. There's maybe one or so townships roads [13] that could be closed off. We are also [14] concerned that we could coordinate our grade [15] crossing improvements between the DM&E and [16] the county. Where elevation of grade [17] crossings change make necessary changes to [18] the county roads, including the approaches to [19] the crossings. The sidings should be sited so [20] as to minimize road crossings and their [21] location. Also, trains stopped on sidings or [22] mainline, including trains waiting for I&M

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[1] interlocking to clear should be stopped clear [2] of all cross roads.

[3] The third item is noise. In [4] addition to Owatonna, the City of Owatonna, [5] the railroad passes through the [6] unincorporated communities of Meridan and [7] Havana. Provide noise mitigation for all [8] trackside residents to the same extent as [9] provided in the cities.

[10] Number four, effects of I&M [11] interchange track. If interchange track is [12] to be built, address the same safety, [13] transportation, and noise concerns mentioned [14] earlier for roads and homes along the [15] interchange track. The DEIS fails to address [16] the effects of increased traffic on the I&M [17] resulting from the DM&E interchange track. [18] We believe the DEIS should consider the [19] downstream effects of this proposed [20] interaction. Thank you for your time.

[21] **MR. KERMES:** Good afternoon. My [22] name is Robert Kermes, and I'm employed by

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[1] Xcel Energy as the regional manager for coal [2] supply. I'm located in Minneapolis. On [3] behalf of Xcel Energy, I would like to begin [4] by thanking the STB for conducting these [5] public hearings and for giving us the [6] opportunity to enter our comments to the [7] record.

[8] Xcel Energy is a combined electric [9] and gas utility based in Minneapolis with [10] service territory in 12 states in the

western [11] and north central United States. Xcel [12] generation capacity includes 16 coal fired [13] generating facilities. These coal fired [14] plants account for 56 percent of Xcel's total [15] generating capacity.

[16] Coal deliveries to the Xcel [17] generating plants originate from coal mines [18] in the western United States. Most of the [19] coal delivered to the generating plants in [20] Minnesota originates in the Powder River [21] Basin of east central Wyoming, also known as [22] the PRB. The demand for this PRB coal has

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[1] increased significantly during the past [2] decade, primarily for two reasons. First, [3] it's an abundant supply of coal deposits very [4] close to the surface. Secondly, its [5] environmental advantage of coal due to its [6] extremely low sulphur content and very low [7] ash content. Xcel's Minnesota generating [8] plants have been built or modified to take [9] advantage of these attractive supply and [10] environmental characteristics.

[11] Currently, all of the coal shipped [12] from the PRB is carried by two railroads, the [13] Burlington Northern Santa Fe Railroad and the [14] Union Pacific Railroad. Xcel ships coal on [15] both of these railroads to its generating [16] plants and with one minor exception, each of [17] these plants can receive deliveries by only [18] one of these railroads. This lack of [19] competition has resulted in tens of millions [20] of dollars in additional annual [21] transportation charges that are borne by [22] Xcel's electric energy customers. Since

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[1] Xcel's fuel costs are directly passed through [2] to electric rate payers any reduction in fuel [3] costs that would result from the DM&E rail [4] service would directly benefit Xcel's rate [5] payers.

[6] During the year 2000 we expect to [7] ship over 12 million tons to Minnesota [8] generating plants at a delivery expense of [9] more than \$225,000,000. Approximately 60 [10] percent of that expense is for rail [11] transportation. With quantities and expenses [12] of this magnitude the issues of competitive [13] alternatives are extremely important to meet [14] the demands of Xcel's customers as [15] economically and as reliably as possible. [16] With competition we have estimated that this [17] number could be reduced by approximately 50 [18] million dollars per year.

[19] The construction and operation of [20] the proposed DM&E rail line from the PRB [21] through South Dakota and southern Minnesota [22] will offer several

direct and indirect

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[1] benefits to Xcel and its customers in this [2] region. For example, there have been periods [3] of congestion in the mines and on the [4] existing joint railroads serving the PRB. [5] Projections indicate that demand for this [6] coal will continue to grow and increase the [7] opportunities for this congestion.

[8] During the past few years we have [9] experienced disruptions to rail deliveries [10] due to extreme weather events such as the [11] Mississippi River flooding in 1993, a series [12] of blizzards in North Dakota during 1996 [13] and '97 and the subsequent Red River Valley [14] flooding. Another railroad could provide a [15] possible alternative or backup route in such [16] emergencies.

[17] The route proposed by the DM&E will [18] benefit several hundred — will be several [19] hundred miles shorter than existing rail [20] routes, will allow better utilization of less [21] rail equipment and translates into fewer [22] locomotive miles traveled resulting in less

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[1] diesel fuel consumption and fewer related [2] emissions.

[3] While Xcel Energy and our customers [4] stand to benefit from this additional line we [5] are also sensitive to the concerns of local [6] communities like Mankato and Rochester. Xcel [7] continues to encourage efforts to address any [8] outstanding issues between DM&E and these [9] communities and we're confident a mutually [10] beneficial resolution is possible. Again, on [11] behalf of Xcel Energy I'd like to thank you [12] for your time this afternoon.

[13] **MR. WIETecha:** Good afternoon. I'm [14] Dan Wietecha, the City Administrator for the [15] City of Courtland. Although the Draft EIS [16] does specifically say that the DM&E would be [17] required to coordinate with existing [18] utilities when designing its expansion, the [19] City of Courtland specifically requests that [20] our sanitary sewer force main be included in [21] that design.

[22] Our sewer, we pump the sewage

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[1] underneath the Minnesota River, and then a [2] distance of about five miles, at which point [3] it goes underneath the Cottonwood River to [4] the City of New Ulm for treatment. During [5] that five miles our force main is between 30 [6] and 60 feet off of the center line of the [7] existing railway. We would like to make sure [8] that any improvements to the railway in this [9] area, the proposed Middle East Staging and [10] Marshalling Yard option in this area, and the [11]



possibility of a new bridge being built over [12] the Cottonwood River in this area address our [13] sewer in both the construction and as well as [14] the design for any future ground vibration [15] that may be resulting from the increased [16] traffic. Thank you.

[17] **MR. JORDAHL:** Good afternoon. My [18] name is Bill Jordahl and I represent Alliant [19] Energy Corporation. I'm speaking in support [20] of the preferred alternative for the upgrade [21] and in opposition to the no build [22] alternative.

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[1] Alliant Energy supplies 1.3 million [2] electric customers in southern Minnesota, [3] Wisconsin, Iowa, and Illinois, and 57 percent [4] of our electric energy is supplied by coal. [5] Sixteen million tons of coal that we burn a [6] year comes from the Powder River Basin. [7] And 57 percent, nationally, of electric [8] energy comes from coal as well. I would [9] submit that without coal the U.S., the United [10] States' huge existing electric supply needs [11] could not be met.

[12] We strive to bring our customers [13] reliable energy day in and day out. We also [14] place a major emphasis on being a good [15] environmental steward. Our power plants were [16] among the first in the nation to be [17] exclusively low sulphur coal burning plants. [18] We, as I said, bring in 16 million tons a [19] year from the Powder River Basin as the Xcel [20] gentleman noted. By 2002 — the Powder River [21] Basin is already the highest source of coal. [22] By 2002 the demand there will increase

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[1] another 70 million tons a year. [2] Some suggest that other sources of [3] fuel will be able to replace coal, but [4] raising the capital to replace existing coal [5] generation in addition to meeting new [6] capacity for electric demand which grows by 2 [7] to 3 percent a year, at least, is an [8] economically dubious and formidable [9] proposition.

[10] Coal burning technology is also [11] becoming increasingly sophisticated and clean [12] as well. Another Wisconsin energy company [13] recently proposed building two new coal fired [14] plants in a nonattainment area in [15] southeastern Wisconsin that would be capable [16] of producing 1200 megawatts of power using [17] technology that would basically reduce [18] harmful emissions to zero. Even carbon [19] dioxide is beginning to look like, and I [20] grant that it is still tentative, is [21] beginning to look like that can be [22] technologically remediated in the generating

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[1] process as well, so coal may have a long [2] lifetime ahead of it as an energy source. [3] It's also domestically available and cheap to [4] extract.

[5] Coal is, however, a cost that is [6] out of our control for the most part, having [7] a third rail line will increase competition, [8] and it will increase — it will create a much [9] shorter route for our supply of coal that [10] will cut the distance by 300 miles to one of [11] our major power plants that supplies southern [12] Minnesota and other parts of our system, and [13] will cut another distance by 200 miles to [14] another of our plants. So we support the [15] preferred alternative. Thank you.

[16] **MR. SALMON:** Good afternoon. My [17] name is Brad Salmon, and I'm here [18] representing Northern Con-Agg and I'd like to [19] thank you for this opportunity to speak with [20] you about the Powder River Basin expansion [21] project and the impact its failure could have [22] on our future.

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[1] Northern Con-Agg mines Kaolin clay [2] in Brown, Redwood and Renville Counties and [3] has supplied the cement plants in Iowa with [4] this clay for the past 10 years. The [5] properties of the Kaolin found in Minnesota [6] are needed in the manufacturing of quality [7] cements. The DM&E was vital in obtaining this [8] market and has maintained excellent service [9] since it began. They were able to [10] accommodate a request this year for [11] additional car loading due to the recent [12] embargo of the Minnesota Central Railroad, [13] which had also been shipping Kaolin clay to [14] Iowa. The Minnesota Central is a parallel [15] line directly north of the DM&E line, and its [16] future is uncertain. If needed money for the [17] Minnesota Central does not occur, the DM&E [18] will become even more vital to the shippers [19] in southern Minnesota.

[20] Northern Con-Agg's ability to [21] remain competitive is heavily dependent on [22] the low transportation costs that the DM&E

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[1] rail can provide. We are concerned that [2] failure of the expansion project could result [3] in unpredictable, unsafe, higher shipping [4] rates, or possibly no service at all. It [5] would be devastating to us to sustain the [6] impact of two failed rail lines. With the [7] addition of new export markets, particularly [8] grain, the expansion project would attract [9] potential shippers, ultimately helping to [10] keep transportation costs to a minimum. The [11] project would also provide a safer and more [12] effi-

cient railroad, not to mention the [13] additional jobs and positive economic impact [14] it will have on the surrounding communities.

[15] We ask that the STB approve the [16] Powder River Basin expansion project, not [17] only for the future of our company, but for [18] the future of other shippers and their [19] communities. Thank you.

[20] **MR. WALBRAN:** This is a picture [21] from my paper route. I'm Mark Walbran. I'm [22] the City Attorney for the City of Owatonna.

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[1] on behalf of the City of Owatonna, I would [2] like to thank you also for coming to southern [3] Minnesota today. I'm going to talk a little [4] bit about noise, taxes, justice, and houses.

[5] The environmental impact statement [6] in the City of Owatonna identifies some 1200 [7] houses that would have decibel levels [8] increase beyond the 65 decibel threshold. In [9] the county there's a similar number. Now, [10] our City's partnership agreement with the [11] DM&E does require that the DM&E comply with [12] the sound and noise requirements that this [13] body is going to impose, and yet we feel that [14] the EIS is deficient in a number of respects.

[15] The DEIS does identify what the [16] problem is. In a word, noise and vibration. [17] The EIS does also include the tables which [18] outline numerous mitigation strategies that [19] are available, sound walls, insulation, and [20] the like. The problem is that the DEIS [21] doesn't appear to adequately address the [22] remedies, first, to owners whose properties

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[1] are adversely affected, and, second, to [2] governments whose job it is to provide public [3] services where the tax base is eroded because [4] of the effects of adverse noise.

[5] The Draft DEIS does suggest [6] solutions. For instance, it does create the [7] Community Liaison Officer whose task it is to [8] develop cooperative solutions. The EIS in [9] Volume 4, paragraph 36, does say that the [10] Community Liaison Officer is to work with [11] affected land owners and appropriately [12] redress any damages. It says that this [13] redress is to occur during project related [14] construction and during reconstruction. We [15] respectfully submit that it should also [16] include a redress of damages for the [17] subsequent maintenance and operation of the [18] applicant's rail line, the same language that [19] it uses with respect to public utilities on [20] the next page.

[21] The question arises is whether [22] redress of damages includes a condition for

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[1] payment of compensation in the nature of [2] interest condemnation for the diminution of [3] value to the homeowner and also for the [4] diminution, or devalue, or depression of the [5] tax base which affects the government's [6] ability to meet the needs of its citizens. [7] Thank you very much.

[8] **MS. BLASING:** First of all, I call [9] this whole idea a nightmare from hell. I [10] don't live near the railroad. I don't live [11] near the railroad. I live five miles north of [12] Janesville and I can hear the trains go [13] through town.

[14] Furthermore, to the Army Corps of [15] Engineers, I had a daughter who used to work [16] with you in St. Paul. The same last name as I [17] have got. There is — my concern is about the [18] citizen's concerns as they are experiences I [19] have had in life. I lived in Waseca, [20] Minnesota all my younger life before I [21] married, and I have been out in the rural [22] area about 45 years. Family members of mine

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[1] were involved in carrying dying families off [2] the railroad. My brother was in the rescue [3] squad in Waseca, Minnesota. My father's [4] business was on the railroad right-of-way and [5] every time that trains started backing up [6] they would leave, shut down their concrete [7] business and go and try to find the — the [8] dying people.

[9] One family of three were carried [10] into the hospital. Another family, a mother [11] with five children was killed on the old M&N [12] Saint L line. The carnage of the whole [13] family dying was so bad my brother was sick [14] for a month after they went there, after they [15] went there and picked those pieces of flesh [16] up. There is the same — the carnage left, [17] and the story of bad accidents. Trains do [18] not go through Waseca at any more than 35 [19] miles per hour by city ordinance following [20] that accident. I knew these people. The [21] family of three that died in the accident [22] further down the railroad right at the edge

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[1] of town caused the brother who was in the [2] seminary at Augsburg College and his young [3] bride to give up their plans in life and come [4] back to the farm. The young bride was a [5] classmate of mine from Augsburg. They had to [6] assume the responsibility for raising the [7] surviving child. As we go on, and on, and [8] on, and this is only an example of

what has [9] happened with 12 to 14 trains a day going [10] through Waseca, Minnesota.

[11] I lived there, I worked in the [12] county courthouse. I have had many [13] connections in life. If you're going to cut [14] me short, I'm going to address you — my one [15] last episode that I remember was living at [16] rural Janesville and getting a call on a [17] Saturday morning, my older brother, [18] addressing the fact that mother had stopped [19] the 400 on the 13, number 13 railroad [20] crossing. We never sued the railroad, but [21] they sued my father for the semaphore that [22] they pushed our car into, our family car.

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[1] Now, I'm going on with the concerns [2] of the schools in our areas. I have a sample [3] of the literature I received of about a 60 [4] pound carton of all these books. I turned [5] them over to the superintendent of the [6] Janesville school, Dr. Hanlon, about two [7] weeks ago. He in turn addresses the question [8] he has about school buses. We have [9] consolidations between Waldorf, Pemberton and [10] Janesville. These school buses will have to [11] go, and I'm sure this is the situation, [12] Mankato buses, there are students in from [13] communities around and surrounding. There [14] are agencies which have not been brought into [15] this environmental impact review. These [16] concern the Department of Health, the [17] Department of Education — and I respectfully [18] call your attention to these three, [19] Departments of Health, Education and Welfare, [20] the Department of Education, and, again, [21] there are three agencies which are not in [22] this environmental impact which concerns the

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[1] public —

[2] **MR. GARDINER:** To the extent we [3] have time available we can come back and [4] finish.

[5] **MS. BLASING:** No, I won't. I won't. [6] the president — the presidents of our [7] nation, in their debates, the candidates [8] address the power plants, which are still not [9] updated, and it was a discussion on the [10] television. That's another factor to be [11] considered here. If you don't like my [12] speaking, I'm sorry, but I think the impact [13] review should include the Department of [14] Safety, Transportation, the Department of [15] Welfare and Health and the Department of [16] Education. Those are factors concerning our [17] public. Our kids. It sounds like animals are [18] more important than the children in our [19] country.

[20] **MR. BEHSIMAN:** Good afternoon. My

[21] name is Tom Behsiman and I represent the [22] Train and Engine Service Employees of the

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[1] Dakota Minnesota and Eastern Railroad and I [2] work out of Waseca, Minnesota. I'm employed [3] by the Dakota Minnesota and Eastern Railroad. [4] They pay my paycheck, but I work for the [5] shippers of the railroad.

[6] My job is to move freight safely [7] and efficiently on a rail line and in its [8] existing condition I can't do that. Every [9] day, when I'm out there, you just have to [10] wonder, "Am I going to make it home tonight?" [11] Is this going to be the last night?" because [12] of the condition of our railroad.

[13] Some positive environmental impacts [14] that I would like to touch on on building [15] and/or rebuilding of this line improve [16] safety, transportation service will be [17] enhanced and national highways. Improved [18] safety, that starts right replacing the [19] existing rail. It makes my job safer, it [20] makes the public safer. Asking for no action [21] is dangerous. We'd have a change from track [22] Board control, which is called dark

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[1] territory, to a modern signalling system [2] which is, you know, proven to be far more [3] safe than a track Board control system.

[4] Another item, we would replace [5] older locomotives, most of them built in [6] the '60s and '70s with higher horsepower [7] locomotives thus replacing a three locomotive [8] constant to two. If you think about the '60s [9] and '70s, you think of high emission cars. [10] Well, that's what we're working with now. [11] Our track can't handle any larger [12] locomotives.

[13] We'd have more and better grade [14] crossing protection with increased train [15] speeds and also with that we'd have [16] predictability of train speeds. Right now we [17] will travel through, say, Eagle Lake at 10 [18] mile an hour one day and the next day it's 30 [19] and how is anybody supposed to know how fast [20] we go? With the new and rebuilt line train [21] speeds would be maintained, the public would [22] be aware when a train is coming, it's going

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[1] to be a 40 to 49 mile an hour train.

[2] Also, in regards to the [3] transportation service, a rebuilt line would [4] bring predictable and reliability to our [5] current and future shippers. An important [6] item is that the DM&E's route target areas [7] for coal, Superior, Wisconsin, Twin Cities, [8] Mississippi River



area, and Chicago, the DM&E [9] has, with the rebuilt, would have the [10] shortest route, the most direct route of [11] these areas. Along our route the population [12] amounts are lower than the existing BN or UP [13] routes. So by a third carrier you're going to [14] affect less people.

[15] Also, competitor's existing routes [16] are congested, as you heard from the Xcel [17] representative, and the Alliant [18] representative. This will only get worse with [19] increased demand for western coal. A third [20] carrier would also reduce stress on existing [21] railroads and more densely populated routes. [22] A third carrier would also provide

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[1] competition, thus lowering electric rates. [2] Thank you.

[3] **MR. LARSON:** Good afternoon. My [4] name is Dave Larson. I am from the Lower [5] Sioux Reservation in southwestern Minnesota [6] right down the river valley from here. We are [7] a people who at one time were considered very [8] influential and powerful people in this area. [9] We are down to a little remnant of what we [10] used to be. What's really sad is that for — [11] since the 1860s we have not been allowed to [12] teach people who we are, or talk about our [13] perspective, or what's important to us, or [14] what our values were all about. People who [15] had an agenda have been teaching about us, [16] incorrectly, for a great many years, and as a [17] result 150 years after the terrible thing [18] that happened in this City, people still [19] think terrible things about us.

[20] Through the help of some good [21] friends here in Mankato we were able to set [22] aside a park where we could do some teaching

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[1] about who we are and start doing some [2] rehealing that's over a hundred years old. [3] It's really sad that before the teaching [4] started, and still in many cases it's the [5] same, that people know more about immigrants [6] than you do about the people who were here [7] when the first Europeans came. It's sad [8] that — we have such a little chance to teach [9] people about who we are and something about [10] the truth of history because there's not much [11] truth in what's being written in most books [12] or taught in most schools about us.

[13] Once a year we have a gathering [14] here in Mankato to teach about who we are. [15] It's just across the railroad tracks at Land [16] of Memories Park and we're inviting in public [17] school students and upwards of a thousand [18] students come in every fall. Not one teacher, [19] I don't believe, or any of the students ever [20] really knew the truth, and they were

always [21] amazed at how much friendlier we are and how [22] much nicer a people we are than they were

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[1] taught. So, that is a very important thing.

[2] Also, because of the [3] misunderstanding there was the largest legal, [4] and that's the word, legal execution in [5] America took place in this little town. [6] There is now a marker up to indicate our [7] trying to reconcile, to get back together, or [8] to get together maybe for the first time, [9] because reconcile means coming back together. [10] I think people never really knew who we were. [11] We are trying hard now to reach out to [12] people, because Dakota is who we are. Dakota [13] means friend or ally. With the help of [14] non-Indian friends here in Mankato we are [15] beginning to reach out to people, and that is [16] our greeting. I want to give you that [17] greeting, "Howmepawmea. Tomtay wishtay naw [18] quishu usia. Hello my relatives." because if [19] you believe in God, then you know we all come [20] from the same God, the same creator, and for [21] some reason people have a hard time seeing us [22] as relatives. The only way we can teach that

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[1] is to be allowed to have access to and from [2] Land of Memories Park, to have access to this [3] section downtown.

[4] So, I want you to know that we [5] haven't spoken out much before because people [6] who had the power over us outlawed our tie to [7] God. It's only been since 1978 that it was [8] legal for us to pray. One of the places we [9] feel the most comfortable praying and doing [10] ceremonies, and even doing weddings, is down [11] here in Mankato at Land of Memories Park. So [12] we have very little power, very little [13] control, even our own lives. We don't have [14] the power to be proactive we only can react, [15] and so today I ask all of you to remember us [16] in all of this discussion. Our people from [17] now depend on you to maybe to stay alive, [18] because if we don't get some help, we will [19] disappear. People say the "Last stand of [20] Custer," but as we can see there are people [21] at Custer more all the time. But we are the [22] ones who in our last stand. We ask you for

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[1] help. We ask you to remember who we are. We [2] do need your help. Thank you very much.

[3] **MS. MEISTER:** Good afternoon. My [4] name is Judy Meister. I'm President of the [5] City Council in Owatonna, Minnesota. I'm a [6] part-time public servant who also holds down [7] a full-time job as do

my six council [8] colleagues. I am not a railroad expert. As [9] such, making the right decision in the matter [10] of the DM&E Railroad for the 21,000 people I [11] represent is an extremely difficult decision.

[12] As I studied the DM&E expansion [13] issue the most frustrating part was the lack [14] of unbiased information. The answers were [15] few, or vague, or unknown. Initial STB [16] comments, the document said, in effect, not [17] to push the adverse effects of the railroad [18] from one population to another. Did this mean [19] no bypasses would be allowed? If allowed, [20] who would pay for a bypass? State officials [21] said not to look to them for money. Cities [22] in Minnesota have many more trains than what

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[1] Owatonna would be expecting. If Owatonna [2] would have to pay for a portion, what would [3] be the effect on property taxes? Would our [4] citizens approve an additional local sales [5] tax to pay for a bypass? Would enough [6] revenue even be generated to pay for a [7] bypass?

[8] I read a national news magazine [9] article of the resurgence of rail traffic. [10] Does this reveal a trend? A trend that is [11] inevitable? In other words, would it be [12] futile to try to stop the train, the train [13] that does not benefit Owatonna?

[14] We look to our federal and state [15] representatives. They and the Commissioner [16] of Transportation advocated that we negotiate [17] the best local agreement we could, that it [18] was basically out of their hands. At the [19] suggestion of some residents the council [20] voted to hire an engineer to study a possible [21] bypass around the city and we hired an [22] attorney who specialized in railroad issues.

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[1] These moves involve six figure expenditures [2] for the taxpayers of Owatonna. These were [3] funds that should not have had to be spent, [4] but they were funds that were necessarily [5] spent to provide the council with information [6] needed to make a good decision.

[7] In March the council voted 4 to 3 [8] to accept the community partnership agreement [9] rather than pursue a bypass. We did this [10] because on the advice that concessions made [11] by DM&E were well above and beyond what could [12] be expected to be lawfully mandated and [13] because of the STB uncertainty over bypass [14] approval.

[15] While other concerns were not [16] specifically addressed in the agreement, we [17] are putting our faith — at that

time we [18] citizen representatives put our faith in the [19] STB to address these issues later. With the [20] issuance of the DEIS it seems more questions [21] than answers have emerged. I'm letting it be [22] known to the STB that I expect this

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[1] regulatory body will see to it that the [2] citizens of Owatonna are protected by the [3] enforceability of our community agreement and [4] by any other means that can be had. Our [5] people should not endure any situation any [6] less favorable than that of any other [7] community along the line. No one in the path [8] of the DM&E should suffer any more or less [9] than anyone else. It means an exhaustive [10] study of noise and vibration, it means the [11] best resolution of the I&M interchange, and a [12] lot of other things I can't say in three [13] minutes.

[14] In closing, we negotiated through a [15] flawed process. We worked through the system [16] as we were urged to do to obtain the best [17] agreement that we could. However, if there is [18] some better benefits that will be ordered by [19] the STB we expect to have those benefits as [20] well as still keeping the best of our [21] agreement. Please do not make innocent people [22] who have no vested interest in this, or

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[1] benefit in this project suffer from its [2] consequences. I put my faith in you. You are [3] not an elected body of the government, but [4] you are here to serve the people. The [5] citizens of Owatonna deserve your very best [6] consideration and I thank you for that.

[7] **MR. SPARKS:** My name is Greg [8] Sparks. I'm City Administrator in Owatonna [9] and I'm speaking on behalf of the City of [10] Owatonna. My comments would be relative to [11] the connecting link between the DM&E and the [12] I&M rail link. That's noted in the DEIS, in [13] Volume 4, in Chapter 6, as well as on the [14] Executive Summary at page 52 on Owatonna [15] Alternatives.

[16] The DM&E originally proposed [17] Alternative O-3, a 2.94 mile rail line as a [18] means of connecting with the I&M rail link [19] that runs on a north/south route. This was [20] followed up with a second alternative known [21] as O-4 which is 1.7 miles. The City has gone [22] on record previously as preferring

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[1] alternative O-5 which would replace the [2] existing diamond switch in town in order to [3] make that connection with the I&M.

[4] The City believes O-5 is the [5] preferred alternative and we encourage

the [6] STB to make the strongest recommendation to [7] the Union Pacific to negotiate in good faith [8] with the DM&E to accomplish this correction. [9] We oppose alternative O-4 for the following [10] reasons: The new trackage would be built [11] adjacent to a residential subdivision in the [12] City. The evaluation of those homes in that [13] area is currently at approximately 6.2 [14] million, and another additional 40 lots in [15] this subdivision are readily available for [16] development. The City is currently in the [17] process of extending water and sewer to [18] service those lots at a cost of [19] over \$200,000.

[20] A major concern is that [21] environmental impacts on the I&M rail link [22] were not included in the DEIS. But yet in

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[1] Volume 2, Chapter 3, in relation to impacts [2] on Winona, I would just point out at [3] footnote 6, on page 3.2.32 that the SEA would [4] not normally evaluate down line impacts of a [5] construction project on the rail line owned [6] and operated by another rail carrier. It [7] goes on to say the SEA determined the [8] majority of coal traffic reaching Winona [9] would interchange with Canadian Pacific for [10] movement south through Winona because it's [11] reasonable such movement of trains would [12] occur and the citizens and elected officials [13] in Winona expressed concern for noise, air [14] quality, transportation safety, the SEA [15] determined it appropriate to consider these [16] potential impacts along the CP rail line in [17] Winona. We believe that's a similar [18] situation as to what we see on the I&M rail [19] link and yet the I&M has not been a part of [20] this DEIS and I believe there are a number of [21] environmental impacts that need to be [22] considered.

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[1] We're concerned about the potential [2] of trains to block off access to homes in the [3] southeast part of Owatonna creating a high [4] concern for public safety from ambulance, [5] police, and fire services. We also oppose O-3 [6] for similar reasons. We believe it negatively [7] impacts future construction of a planned east [8] side beltway road to serve Owatonna, and that [9] both of those alternatives are unnecessary if [10] O-5 is adopted. Thank you.

[11] **MR. HANSON:** My name is Charles [12] Hanson. Can you hear? My name is Charles [13] Hanson. I live at 706 Prescott Northwest in [14] Sleepy Eye, Minnesota 56085. I represent [15] myself, and my son Scott. First we'll talk [16] about myself. I own a home on 706 Prescott [17] which I had recently had a purchase agreement [18] with Mr. and Mrs. Leon Crowell. They

have [19] three children. They were going to buy my [20] home. Two weeks ago they contacted me and [21] said that in all honesty, they loved the [22] home, but he can't — him and his wife can't

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[1] go through with this because of the rail [2] trains, 20 to 40, flying by 40 to 50 miles an [3] hour every day. There was nothing wrong with [4] the home. There was nothing wrong with the [5] price. But he couldn't do it. He couldn't see [6] himself endangering his children.

[7] My son Scott lives on the same [8] street. He has a new home that he built [9] approximately three years ago. He doesn't [10] want to sell his, but what's the impact going [11] to be on his property when his time comes to [12] sell? We own two lots that are improved with [13] utilities stubbed in on Prescott. What is the [14] impact of that — is the value going to be on [15] those spots? We also, in back of our houses, [16] and the two lots, we own approximately 34 [17] acres of land. What is the financial impact [18] on that land if we decide to sublet it, or [19] sublot it, to divide it into sections? It's [20] a — it's a bad thing, but I don't think that [21] anyone that owns land or owns a home along [22] this proposed route should suffer a financial

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[1] loss because of a commercial, supposedly [2] profitable venture, that we would suffer a [3] loss for someone like that. Thank you.

[4] **MS. BLASING:** I'd like to submit [5] these pictures to you so you know what I'm [6] talking about.

[7] **MS. FREEBERG:** I'm Norene Freeberg [8] and I live at 523 Mound Avenue, which is in [9] the Sibley Park area. Now, we have been told [10] that we will have two exit and entrances, or [11] however you want to say it. Two ways in and [12] out of this area. They are both viaducts. The [13] street leading to the park entrance is named [14] Park Lane. It is not in any condition to [15] really handle a lot of heavy traffic which [16] would be going in and out of there. The other [17] street coming in there is Woodland Avenue, [18] which services the Honeymead plant.

[19] In another picture there I have the [20] road going into the park. to show you, it's a [21] one — it's a one — a one way road and it [22] winds through the park. This is to be one of

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[1] our entrances to Mound Avenue. The other end [2] of the — on the Mound Avenue end, when we [3] get down to the other underpass, we have — [4] we have to go under the 169 highway, and all [5] those braces, and everything that are up

[6] there, and then we come to the underpass [7] which is six foot something high. it's known [8] to waylay a lot of traffic. We've had all [9] kinds of vehicles stuck under there. this — [10] and we have another entrance to private [11] property, which has been dug down deeper to [12] take a little bigger vehicle, but that's [13] subject to flooding. also, our viaduct is — [14] both of the viaducts are subject to flooding.

[15] I don't know, I — I think that we [16] need to be — we need a safety valve. We [17] need — we have a nursing home. We have the [18] City shop, their crews, their equipment, that [19] service the whole of Mankato down there and [20] we have to get in and out of there. [21] furthermore, the railroad that is proposed [22] would come through on my side over the

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[1] tracks, the river side, and it could be built [2] up higher. It could be a better structure. [3] But we still have to contend with the other [4] railroads lower. Lower clearance there. are [5] they going to upgrade theirs? How are we [6] going to get out of there? We have to have [7] fire engines, and snowplows, and all kinds of [8] things in this area to service. We have semis [9] coming in there to take lime to the water [10] treatment plant. We have semis coming in [11] there to the — there's a Lutheran Home, or [12] the nursing home down there. I think that we [13] have to be protected. I am beginning to feel [14] like an endangered species.

[15] **MR. SCHULZ:** I am Roy Schulz. I [16] live at 111 Hosanna Court in Mankato. I have [17] no land that is involved in the new DM&E [18] railroad passage, but I am concerned about [19] where you want to build it. We certainly [20] should encourage railroad traffic. We know [21] that the trucks and other haulers are kind of [22] raising cane with our roads and they don't

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[1] like to do it either. But we have to have all [2] the consumers taken care of.

[3] I guess my point is, why follow [4] Highway 14 road with the trackage? I was in [5] the legislature in the '50s and '60s, and we [6] were real concerned about where they were [7] going to put the new interstate. We had some [8] input, but not too much. The majority leader [9] of the senate and the house and myself as [10] assistant majority leader were contacted, and [11] of course we wanted it on U.S. 14, or in that [12] area, and we know how bad that road has been [13] and still is. But the highway department, the [14] U.S. Highway Department, I can say now did [15] the right thing, they put it near Highway 16.

[16] My point is that the DM&E should [17] follow I-90 from Rapid City to Winona. I have [18] been around the world a little bit, from [19] London to Sydney, Australia, and a few other [20] places in between, and most of these foreign [21] countries are way ahead of us. They have [22] corridors where they have railroads and

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[1] transmission lines right near their [2] autobahns, or their interstates, or [3] interprovincial highways, and they come and [4] laugh at us when they come over here and see [5] what we're doing. I think they have a right [6] to.

[7] But following the I-90 corridor [8] would certainly help a lot. We would miss [9] Brookings, Tracy, New Ulm, Mankato, Waseca, [10] Owatonna, and Rochester. Another thing it's [11] very easy to service. It's very easy to [12] service on — off of an interstate. There is [13] other options, too, available, but I guess my [14] time is running out. I know the Corps of [15] Engineers has indicated that the railroad [16] track right close to the River Front Drive, [17] the dike would not be hurt by the vibrations. [18] I rather doubt that. Have you ever stopped at [19] a railroad crossing with your car and felt [20] the vibration on your car, or get out and [21] just stand there? I certainly would hate to [22] see a fracture of that dike, and I'd hate to

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[1] see motorboats going down River Front Drive. [2] The best way to go, of course, is to I-90 and [3] it would be a lot better for DM&E and [4] everybody else. Thank you.

[5] **MR. SHORT:** Good afternoon. For [6] the record, my name is Gene Short. I'm a [7] county commissioner in Redwood County. I'm [8] also a member of the nine county Southwestern [9] Regional Developmental Commission and [10] secretary-treasurer of the Minnesota Valley [11] Regional Rail Authority trackage that was [12] mentioned earlier north of the DM&E proposed [13] route.

[14] I don't have a prepared comment or [15] anything to turn in to you today. But I would [16] like to address some issues that the previous [17] speaker just mentioned regarding [18] transportation and truck traffic and the [19] alternatives that we may face should [20] something not happen.

[21] The draft environmental statement [22] that was prepared, page ES-48, it's proposed

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[1] that 66,000 freight cars of corn, wheat, [2] soybeans, bentonite, kaolin clay, cement, [3] wood and so on will be shipped annually. [4] That equates to 3.8

semi trucks per rail car. [5] That's 251,000 trucks that have to go some [6] place to move this product. I'm afraid what [7] we're going to face as far as road [8] deterioration, traffic accidents, and [9] everything else that goes along with that [10] alternative.

[11] I would hope that there's some [12] mitigation efforts that can be done. I [13] realize the concerns of many. With all of [14] this it can happen. There's no mention of the [15] coal in my presentation here, but there's [16] estimated another 750,000 cars of coal which [17] is going to add even more truck traffic. So, [18] perhaps there are some good alternatives and [19] perhaps the I-90 route is one of those.

[20] I might also mention that the [21] importance of moving our product from farm to [22] market is between 10 to 12 cents a bushel and

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[1] for those farmers in all of this southern [2] Minnesota that raise corn and beans, it's [3] important that you do get another 10 to 12 [4] cents a bushel. So with that, I appreciate [5] being able to comment today and I thank you.

[6] **MR. HARTER:** My name is Phil [7] Harter. I live south of town about a mile and [8] a half south of the proposed southern route. [9] I don't — I'm not affiliated with anyone [10] except myself today. I hope to add a little [11] bit of common sense to the discussion.

[12] First, I'd also like to add my name [13] to those that are asking for additional time [14] for comment. It seems kind of foolish that [15] when DM&E hasn't even laid out the details of [16] where the line is going, I don't know how [17] citizens can adequately comment on it.

[18] I believe there are several factors [19] that make the southern route a serious [20] detriment to the City of Mankato. While the [21] southern route appears to move traffic out of [22] Mankato, I believe that is an illusion. If

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[1] it's financially viable for DM&E to construct [2] this line to haul coal, I believe it is [3] financially viable for Union Pacific to also [4] haul coal. The bottom line is, there is going [5] to be coal trains going through the existing [6] corridor regardless of what DM&E does.

[7] While you look at the possible [8] expansion of Mankato, primarily for [9] residences, you will note that Mankato is [10] pretty well locked in on all sides except for [11] the south. In just the last few years [12] numerous residences have been built along [13] Stadium Road, less than a mile and a half [14] from the proposed southern route. Two new [15]

developments, Pole Creek Subdivision and [16] South Brook are closer yet to the proposed [17] route. In 30 years it's not hard to envision [18] that the City would extend all the way to [19] County 90.

[20] In addition, there is no [21] infrastructure designed in the south to [22] support a rail line as there is in the

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[1] current corridor with spurs into the [2] industrial park. The City has benefited from [3] additional taxes on the upscale homes that [4] have been built in recent years south and [5] east of Minnesota State University. It makes [6] no sense to build an additional corridor to [7] the south and stifle development in that area [8] and reduce the taxable value of all [9] properties in Mankato. There is nothing to be [10] gained by anyone choosing the southern route.

[11] The southern route would scar the [12] area and reduce Mankato to a century old rail [13] town with tracks on all sides and no way for [14] anyone to escape the hazards of trains. I [15] urge the STB, if they decide that this [16] project should go forward, that they choose [17] the existing corridor through Mankato. I [18] would also urge that they exercise and [19] require DM&E to mitigate all damages and to [20] construct the track for their train and Union [21] Pacific's with the most modern technology. I [22] trust that the STB will exercise common sense

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[1] and logic and choose the existing corridor [2] for the required improvements. Thank you.

[3] **MR. BOERG:** Hi. My name is Jerry [4] Boerg, and I would also like to express my [5] opposition to the proposed southern route [6] around Mankato of this railroad expansion [7] idea here. I would also ask, because it's [8] very difficult to get through this document [9] in time, that there also be an extension to [10] the comment period so that we can be better [11] able to determine what — what some of the [12] points are in there.

[13] I have three things I would like to [14] address relating to environmental issues on [15] this route. First is to historical. Again, [16] having not been able to find it in the [17] document, but I don't believe there's any [18] mention of Fort LeHillier. This is French [19] explorers' fort that was built somewhere up [20] the Blue Earth River from where it meets the [21] Minnesota River. Right now there's a little [22] bit of controversy amongst amateur and

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[1] professional archeologists as to exactly [2] where this fort was, since there are no [3] stones necessarily laid, but

there is other [4] evidence that has been found in various [5] places that could indicate this 300 year old [6] fort was there. So if there is — any [7] environmental impact statement should include [8] some of the historical aspects along this [9] river valley.

[10] Second, it has been mentioned [11] already, there are a great number of Native [12] American heritage sites right along this [13] river valley, of the Blue Earth River valley [14] where it meets the Minnesota River. Some of [15] them have been identified, some of them have [16] not been identified. A very careful study [17] should be made of all of these things in [18] order to determine whether this is going to [19] be negatively impacting religious and [20] cultural things that are important to various [21] people.

[22] My third point has to do with the

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[1] quality of the housing in the area. I think [2] any environmental impact needs to address the [3] quality and the devalue of the houses that [4] are going to be found along this route. As [5] has been mentioned, due to the nature of the [6] rivers, and everything like that north — or [7] the City of Mankato really has only one [8] direction in which housing can be expanded, [9] and that's to the south, due to the [10] industrial nature of the northern side of the [11] city, the northeastern side, and the [12] commercial development that's found on the [13] eastern side, a lot of the new housing has [14] been built to the south of town and is [15] already being approached with inside of one [16] mile of this new rail corridor. I can assure [17] you that if a rail corridor is built in the [18] south, southern bypass area there, that there [19] is not going to be much more development in [20] that area. No one is going to put 2 [21] or \$300,000 into a house if they're going to [22] find that there's going to be railroad noise,

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[1] dust, and, et cetera, for the problems. [2] So in summary, I'm opposed to the [3] southern bypass, but if it must come along, [4] mitigation must be taken care of for all of [5] the three points I have mentioned, the [6] historical issues, Native American issues, [7] and quality housing issues. Thank you.

[8] **MR. ANDERSON:** Hi. I'm Danny [9] Anderson from New Ulm, Minnesota. I'm a [10] homeowner over there, and I grew up and lived [11] by the railroad all my life, and I bought two [12] homes along the railroad, one on the south [13] end of town. I lived there three years, and [14] I just recently bought one on the north end [15] of town. But, you know, I'm going to talk [16] about something totally dif-

ferent. I had [17] some pages prepared but I'll never be getting [18] through them in three minutes, so I'm going [19] to have to wing it. Excuse me.

[20] But, I'd like to talk about some [21] principles involved. You know, one of the [22] things, I went to the meetings in New Ulm

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[1] that we had at the city council and I read in [2] the paper yesterday that — was it Mankato or [3] somebody backed out of their agreements with [4] DM&E, and, you know, they made all these [5] agreements and stuff and they keep getting [6] changed, you know, with bypasses, overpasses, [7] underpasses, and all these things.

[8] But, you know, the principles [9] involved that really bother me, first of all, [10] you know, I mean, selfishly, yeah, I don't [11] want the railroad coming through every 37 [12] minutes, or whatever it's going to be, [13] because, you know, it's going to affect my [14] property value and also my peace and [15] serenity. Noise. I don't like noise.

[16] But, anyways, there's one thing [17] that really bothers me that the railroad did [18] about three and a half years ago when I lived [19] on the south end of town is that, I don't [20] know, it came about they ended up selling all [21] of the remaining land that they had next to [22] the railroad tracks. People bought them up

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[1] as little sublots. You know, 25 hundred [2] bucks a lot, or whatever, and then they were [3] bought, and resold, and resold, people put up [4] all these tin sheds, threw all their stuff in [5] there, you know, motor homes, things like [6] that. There's a lot of personal property. [7] People also put up businesses right along the [8] railroad tracks. I'm talking trains from me [9] to the wall. That's how close the trains are [10] now because they sold all the lots. They did [11] that about three and a half years ago. [12] Nobody had a clue that they were planning [13] this big expansion at that time. They never [14] said anything about it and then in February [15] of '98 they file for an expansion. You know, [16] nothing was said about that.

[17] First of all, you know, I question [18] the timing of things and what was their [19] motivation for doing that and, also, by doing [20] that, if you look at it honestly they've put [21] people's lives in danger. They moved more [22] people right next to the railroad tracks,

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[1] because people have worked and lived there [2] every day. Every day there's people working [3] right along

the railroad tracks. There's a [4] school on the south end of New Ulm that's [5] within that wall of the railroad tracks. [6] Every day there's kids sitting in the school [7] right there next to the railroad tracks.

[8] Now, the reason I bring this up is [9] because of the dirty word "derailments." [10] Okay. Last year, or a year and a half ago we [11] had a derailment in New Ulm. Lucky it was a [12] slow moving train and it just kind of fell [13] over. Fell over on the side tracks where [14] there no, there were no tin sheds. Okay? [15] But where it happened, a very dear friend of [16] mine, and I also have relatives over there, [17] had it fallen the other way it would have [18] wiped out a business where a dear friend of [19] mine lives.

[20] Now, I want to ask you this. You [21] know, what's going to happen if you have a [22] fully loaded coal train going through there

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[1] and it derails. I talked with a person from [2] the railroad and it's going to take over a [3] mile for that train to stop, and it's also [4] going to branch out for over a block [5] whichever way it goes. How many people are [6] going to get wiped out because of that? You [7] know, what are the principles involved here? [8] Why did they move all those people, sell all [9] those lots before they announced this? [10] That's what my question is. Now based on [11] that, you know, can — you know, entering [12] into the agreements, the agreements are [13] always being changed, I don't know, I [14] think — you know, for me it's a matter of [15] trust. I don't know. They keep changing [16] their mind on the agreements of overpasses [17] and underpasses. Keep that in mind. Thank [18] you.

[19] **MS. KOENIG:** My name is Judy [20] Koenig, but I'm reading this for Lavern [21] Goettl.

[22] **MR. GARDINER:** Okay.

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[1] **MS. KOENIG:** All right? This is [2] concerning the Alternative D and about the [3] marshalling and staging yard, the east [4] yard, 3.5.3.3. These are good, wonderful [5] friends of ours that would not have known [6] about this had I not been involved in it [7] because I am — I live in Eagle Lake. The [8] letter is —

[9] We live east of Mankato on a farm, [10] which is — it's also about that far from [11] Eagle Lake. County Highway 3 and 186 border [12] on the east and north of our farm. The DM&E [13] railroad track goes through the middle of our [14] farm. We have lived here for 43 years. We [15] are opposed to any DM&E expansion for the [16] following reasons: We know

firsthand the [17] inconvenience of a railroad going through our [18] property. Three people at three different [19] occasions have been killed on this track by [20] our farm. We have witnessed a derailment as [21] the train was going through our farm. We [22] raised four children and always had to be on

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[1] alert about their safety with railroad tracks [2] so close by when they were young. We have to [3] deal with crossing over the track with [4] machinery to get to our fields and always [5] hope the train would not be coming. We've had [6] to call the DM&E to notify them to trim and [7] cut down the brush and trees that were [8] obstructing our view when crossing the track [9] on numerous occasions.

[10] We have wetland property on our [11] farm. Deer, geese, wild turkeys, and [12] pheasants all live on that property. We have [13] lots of trees, wild flowers and bushes to [14] protect the wildlife. We enjoy watching the [15] deer come out in the early morning or evening [16] to graze on food — for food. One time we [17] counted 25 wild turkeys in our field. What [18] would 35 to 40 trains a day do to the safety [19] of the wildlife let alone their habitat which [20] would be destroyed to accommodate a new [21] expansion?

[22] It seems to us this is a private

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[1] enterprise to make money at the expense of [2] the public and not to promote the public [3] good. Therefore, we oppose the DM&E expansion [4] anywhere, any time. There are other [5] alternatives to making energy than using coal [6] from Wyoming. Farmers have lots of corn out [7] there that could be utilized both in [8] Minnesota, Wisconsin, and Illinois that would [9] be a lot closer for people in Chicago to use [10] for energy sources and with a lot less [11] pollution. Let's use common sense, save our [12] land, our property, our environment. Thank [13] you for listening to my viewpoint. Lavern and [14] Joe Goettl.

[15] **MS. WORTEL:** Good afternoon. My [16] name is Katie Wortel and I'm here [17] representing myself today and also Mankato [18] Area Environmentalists. Not all the [19] information is before the public, so the [20] public cannot comment on the information that [21] is not before them. Either the comment period [22] must stay open until well after all the

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[1] information is in or a new Draft DEIS should [2] be prepared that contains all the information [3] and then a new comment period established.

[4] I bring to your attention just two [5] examples of deficiencies of information among [6] hundreds of possible examples. Number one, [7] DM&E's Alternative M-3, which is the existing [8] corridor, includes plans for a passing track, [9] actually just referred to by the previous [10] speaker, labeled East Rail Yard, or the [11] Alternative D on the maps, pages 49 and 50. [12] Yet under the current preferred Alternative [13] M-2, the bypass map, pages 55 to 57, there is [14] no indication of where the passing track will [15] be located. Will there be passing track on [16] the M-2 line, and if so, the public should [17] have this information and the right to [18] comment on it before the comment period ends. [19] This passing track with two-way train traffic [20] and a wider corridor could have significant [21] safety impacts that nobody knows anything [22] about today.

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[1] Secondly, DM&E's Alternative M-2, [2] the existing corridor, will necessitate much [3] more construction activity than simply adding [4] ballast, new ties, and new rail. Elevations [5] of the track will be changed, the existing [6] Union Pacific rail line will have to be moved [7] to make room for a second line. Will UP track [8] be brought to the same elevation as the DM&E [9] track or will we have track at two different [10] elevations? If elevations of both are [11] changed and made the same how will rail [12] service be maintained? The public has the [13] right to comment on this construction plan [14] through Mankato, and that plan is not there.

[15] If elevations of the tracks are [16] lower, as is proposed at Third Avenue, what [17] will be done with all of the contaminated [18] soil? Gas stations must remove and treat [19] such soil. The soil beneath 130 year old [20] train tracks must be saturated with bad [21] chemicals, including leached wood [22] preservative and all kinds of weed killer.

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[1] This soil might be so bad as to be classified [2] as hazardous waste. A testing and mitigation [3] plan must be required, not only in Mankato, [4] but wherever the soil is dug up.

[5] Mankato Area Environmentalists has [6] long worked on energy issues. There can be [7] plenty of evidence brought to the record that [8] coal power is bad for people and must be [9] phased out. We are on the brink of a new [10] healthier, more sustainable air in which [11] clean regional renewable energy sources can [12] be tapped to their fullest, including [13] biomass, wind and photovoltaics. Biomass can [14] mean new and better



revenue sources for [15] farmers and increase regional rail service [16] demand by expanding the rail capacity for [17] coal at this time this window of opportunity [18] for a cleaner energy and transportation [19] system may be lost. This alternative must be [20] discussed in the new Draft DEIS. This would [21] be a means to upgrade the DM&E line and [22] improve local economies, and decrease

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[1] pollution from coal power and actually would [2] be a project for the common good. Thank you.

[3] **MS. WOLFE:** I wish to start by [4] saying that my name is Vicki Wolfe and I'm a [5] homemaker and I'm married to a DM&E employee. [6] The reason I'm here is to give full support [7] to the DM&E expansion project. There are many [8] reasons for my supporting the project. The [9] main one is safety issues. Being actively [10] involved with Operation Life Saver, improved [11] safety is a major concern of mine. With new [12] rail and track structures, less derailments [13] will occur because of the old rail and [14] infrastructures. New signalling and [15] controlling systems will mean a safer work [16] environment for employees as they now are [17] using radios without the help of computers [18] and communication backup protection. With new [19] communication systems the dispatchers can see [20] exactly where the trains are and be [21] forewarned in advance like the accident that [22] happened, horrific accident that happened

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[1] this summer with Dan Vandaline (?).

[2] Statistics have proven that train [3] speeds can affect the amount of damage done. [4] It usually is not a factor in whether a [5] collision will occur. Most highway-rail to [6] grade crossing collisions involve train [7] speeds at 35 miles or less. In 25 percent of [8] the collisions the car runs into the side of [9] the train in broad daylight with the vehicle [10] going around gates or in some cases simply [11] ignoring, or not being aware of the train [12] crossing warning signals.

[13] The impact of the lower pollution [14] caused by less fuel emissions and the wear [15] and tear on highways by semi trucks should be [16] of great economical importance. It takes 400 [17] semi trucks to do the same job as one single [18] train. Along with having newer engines with [19] higher standards for emissions and a shorter, [20] more efficient route than competing routes, [21] this would be an added bonus.

[22] The concern over the coal dust is

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[1] most exaggerated in my opinion. Most

of all [2] of the dust will be lost or disposed of [3] before leaving the mines, or the mine area. [4] If we were to lose as much dust as some [5] people think, then what's the use of hauling [6] the product?

[7] Utilizing a passenger service in [8] the future would have a beneficial economical [9] plus effect along, along with a nostalgic and [10] historic tourism value throughout the entire [11] area of the DM&E rail service. Thank you for [12] your consideration in this matter and I urge [13] you to please give a variable conclusion to [14] this case in time to savor this project in [15] the 2001 building season. I feel that the 90 [16] day public comment period is doubled the [17] normal time and should be more than adequate. [18] Thank you.

[19] **MAYOR VETTER:** My name is Bill [20] Vetter, and I serve as Mayor of the City of [21] Skyline, a small residential community on the [22] southwest edge of Mankato. I also am the —

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[1] have the distinction of being the longest [2] serving mayor in the County of Blue Earth [3] with 22 years of service.

[4] We're very much disappointed that [5] we did not receive notification as we should [6] have relative to this project on a timely [7] basis. We received our notification by means [8] of a publication in the Mankato Free Press [9] and that surprised us. We really didn't [10] think we were going to be affected to any [11] extent until we started delving into the [12] proposition, and as of Monday night, our [13] council passed two resolutions.

[14] The first resolution was in [15] opposition to the sought bypass. The second [16] one was to request that we have a totally [17] reinforced concrete structure over and around [18] the passage of the rail facility through [19] Skyline.

[20] Last evening at 8:30 I received a [21] very rude shock, because I attended the [22] Southern Bypass Group meeting. After the

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[1] meeting was over, one individual came up and [2] said, "Do you realize that seven or eight [3] homes are going to be taken out of your quiet [4] residential community?" I said, "I don't [5] believe it." Well I have a great big pack of [6] paper sitting on my seat that I just received [7] which does in fact confirm that.

[8] When we passed the initial [9] resolution it was based on the — or the [10] initial two resolutions, it was based on our [11] opposition to dirt, noise, and vibration. [12] Now we have a very significant additional [13] element because we have extended in this area [14] a special situation involving a number of

[15] home building projects where the earth has [16] subsided to a major degree. [17] It is my belief that if we would [18] remove the seven or eight homes in our City [19] of Skyline that that will start an [20] unsupported destructive move that will cause [21] the demise of our city and we therefore must [22] strongly recommend against the movement of

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[1] this particular project. Thank you.

[2] **MR. SCHMIT:** Good afternoon. I'm [3] Larry Schmit with Mount Kato ski area. Until [4] just recently we thought that the road — the [5] railroad was going to be south of [6] County 90, 3, 400 miles — or yards away from [7] the ski area, according to the descriptions [8] and the maps that we have seen. So I'd like [9] to see there be an extension to have time to [10] respond to that.

[11] Where it is located right now, [12] according to the maps I have seen, it would [13] go through three of our chairlifts, quad [14] chairlifts, it would take up to about 40 [15] to 45 percent of our lift capacity and eight [16] of the 18 trails, which would put us out of [17] business. We'd no longer be competitive. We [18] would not be a viable ski area. We would not [19] be able to bring the people out of the [20] Dakotas and Nebraska and Des Moines and the [21] outlying areas into the community. It would [22] just, you know, put the ski area out of

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[1] business. Thank you.

[2] **MS. YOUNG:** My husband relinquished [3] his time. Does that give me six minutes?

[4] **MR. GARDINER:** I think we're going [5] to stay at three minutes. If we have time [6] I'll come back and give you another [7] opportunity after everybody else.

[8] **MS. YOUNG:** Thank you.

[9] **MR. GARDINER:** Thanks.

[10] **MS. YOUNG:** I am Janette Young, a [11] lifelong resident of Mankato, a retired [12] health education, health educator in our [13] District 77 schools. I have been working with [14] a coalition against the coal trains going [15] through Mankato since it first started [16] in 1998. I also would like to say that [17] everybody here, I think, can agree we have [18] now a political foregoing between the county [19] residents and the city. As of maybe a couple [20] of weeks ago the county has been quiet for a [21] long time assuming that it was going through [22] the city. When it came back otherwise I am

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[1] congratulating them for getting act-

ive. The [2] only win/win solution to this is no trains, [3] the option of no trains. That's the only [4] win/win totally.

[5] However, I can go along with [6] everything they said against environment, [7] against safety, and particularly the lady [8] that said increase of deaths. As bad as they [9] all are, they would be all multiplied many, [10] many times over going through the city route [11] because of the population per acre and the [12] number of intersections in the city going [13] through a city route versus going through the [14] county.

[15] I also think that it's impractical [16] to assume that we can adequately address the [17] many things without an extension. I think we [18] need to request at least 180 days as a [19] minimum to go through all of the things that [20] are not — have been adequately answered in [21] DM&E statement.

[22] I think the lady that spoke about

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[1] deaths is something that should be really [2] considered. Because the increase in deaths [3] and the safety of children going to school [4] should be utmost in the interest of safety [5] and increasing — that less deaths should be [6] prime concern, and there will be more deaths [7] if it goes through the city than if it goes [8] through the county. Thank you very much.

[9] **MR. BICKEMEYER:** I'll say right up [10] front that I am for the project. listening to [11] all the environmental arguments strongly feel [12] that they are way overstated and not backed [13] by evidence in fact. what I would like to [14] specifically address is the coal dust issue. [15] I do a lot of hiking and exploring and rock [16] hunting and mineral prospecting through the [17] states of the Dakotas and Montana. I see no [18] evidence of coal dust whatsoever. I often [19] walk miles of the track, the Burlington [20] Northern coal route tracks and I could wear [21] white pants, and white shirt, and white socks [22] and come back perfectly clean when I got

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[1] back. There's no evidence of any dust on the [2] foliage or the plants along the track. I [3] can't say the same for my farm and my [4] soybeans along my county roads however, and I [5] don't protest to the counties that they can't [6] have a road beside my farm because my [7] soybeans are covered with aggregate dust. [8] Thank you.

[9] **MR. ZUPFER:** My name is Curt [10] Zupfer. Got that? A resident of North [11] Mankato. I'm going to do this fast. I have [12] been a resident of North Mankato during the [13] period of '52 to '53 and left

for four years, [14] came back from '57 and I have been living [15] there ever since. I made my living here every [16] since. The title of this might be, "Not in my [17] back yard."

[18] First, I might relate that the [19] separate city of North Mankato is not [20] referred to in the Draft, but is left out of [21] it entirely by mention. This would then lead [22] me to believe that the serious impacts that

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[1] this project would invoke upon the [2] proximity 13,000 plus residents have not been [3] evaluated or considered. The rail tracks are [4] directly across the river from North Mankato [5] and all of the impacts are the same except [6] for the geographical location of the [7] crossings.

[8] One of our major concerns for many [9] decades in these communities was flood [10] control. The threat hung over these [11] communities going back into the 1800s. This [12] threat was alleviated by an investment of [13] approximately 120 million dollars in a [14] comprehensive flood control project which has [15] since proved its worth. This project [16] spanned 20 plus years to completion. This [17] accomplishment required the close cooperation [18] of both cities. During the flood crises in [19] the years of 1950, 1965, 1969, and other [20] lesser ones in later years, thousands of [21] residents, students, government people, out [22] of town residents came here to fight these

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[1] floods and save lives and property. The [2] communities of North Mankato, and West [3] Mankato, LeHillier, and other sections were [4] under water and in some years saved from [5] flooding. In 1965 the complete evacuation of [6] lower North Mankato was ordered at the Sibley [7] Park area and the LeHillier were under water [8] up to 15 feet in some areas. Families were [9] uprooted, school facilities, businesses, [10] government facilities, and utilities were [11] severely damaged and destroyed. The list was [12] endless.

[13] Now we are to believe that 37 mega [14] tonnage coal trains per day running right [15] next to our flood control structures will not [16] increase our risk of serious damage to the [17] integrity of our flood project. Are we to [18] believe this? No way.

[19] Next. Air pollution. Our unique [20] valley does not always clear out air [21] pollution immediately. This is dependent [22] upon many weather related conditions.

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[1] According to USA Today, dated Oc-

tober 17th of [2] this year, I quote, "Within the next few [3] months, the EPA is expected to declare that [4] diesel exhaust is a likely human carcinogen." [5] Would an additional 111 engines per day [6] through this city cause us a problem? Good [7] question. Our air quality now needs [8] improvement, but could you imagine if the [9] project would come to completion?

[10] I'm going to skip some. Safety. [11] Thirty-seven coal trains per day, three [12] engines, 120 coal cars going up 50 miles an [13] hour right through the center of our city [14] certainly poses major safety risks. Will [15] they stop running completely when we are [16] trying to maintain the integrity of our flood [17] walls during high water crises? If they do [18] not, are the flood workers at great risk? I [19] would certainly say so.

[20] In summation, I will ask, can the [21] DM&E upgrade without coal trains? Upgrading [22] without coal would not cost 1.6 billion

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[1] dollars. In the EIS page ES-7 it states, "The [2] Board examines whether there is public need [3] for this new service." Public need is a big [4] word here. Is it corporate or is it the [5] people's? They also are asked to determine [6] is the project in the public interest? Is it [7] corporate or the people's? I will continue [8] to ask is this coal being transported to [9] market on an adequate basis now? Is the coal [10] and the burning emissions of mercury produced [11] good for our air, fish, birds, wildlife, [12] lakes, and land? Is it going to help us [13] combat global warming? My last question. Is [14] it fair and equitable that over 50,000 [15] residents in this area cannot control the [16] degradation of their quality of life if this [17] is approved? The best decision is, I-90 or [18] no build. Thank you.

[19] **MR. SCHEMAN:** Jim Scheman, New Ulm, [20] Minnesota. Just for the record here, how many [21] people here, raise your hand, are for the [22] DM&E expansion. Can we see? Okay. So we're

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[1] two, four, seven, nine, ten people. Okay. How [2] many are opposed? That makes it 10 against [3] the house. Okay.

[4] Well, at any rate, here, the DM&E, [5] if they're concerned about environmental [6] issues, knowing they wanted to expand, why [7] did they allow an assessment for a high [8] pressure sewer line between Courtland and New [9] Ulm, Minnesota right next to the tracks? In [10] fact, it's so close to the tracks that when [11] they built it, it undermined the tracks, [12] stopped traffic for a week, and slowed down [13] traffic for an extended period of time past [14] then. What's



going to happen when they [15] expand? Are they going to be allowed to move [16] dirt? What are they going — what are they [17] going to be able to do on how close are they [18] going to be able to come to that sewer line? [19] What's going to happen to that sewer line? [20] That's a big concern of mine.

[21] Also, if they're environmentally [22] concerned, why did they bulldoze all the old

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[1] creosoted railroad ties right next to the [2] intersection of 68 and the cutoff to [3] Courtland and leave them on the corner for [4] two years?

[5] The next thing, with Shag Road and [6] the proposed station there for their [7] switching yard, has anybody considered the [8] slowdown of traffic? It won't be going 40 [9] miles an hour, it will be going much slower. [10] How about these people getting in and out of [11] Shag Road and 20 south of New Ulm? That's [12] it.

[13] **MR. QUALLEY:** I thank you for [14] giving me the opportunity to speak. My name [15] is Nathan Qualley. I live in the [16] unincorporated town of Judson. I actually [17] live right off the tracks. They run right [18] beside the house. In fact, I am still for [19] the trains coming through. But, the only [20] question that I pose towards them is that we [21] see some safety measures actually taken.

[22] The reason I am most for this is

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[1] because I know that if this goes through [2] we're going to have improvements on the track [3] and that's going to increase the safety of a [4] train ever derailing into our house. I know [5] that ribbon rail is a fifth of a mile long [6] and what they've got now nowhere near as [7] that, and you'll see little shifts of where [8] the tracks meet and just stuff like that can [9] cause a derailment at any time. It's truly [10] safety issues that bother me.

[11] As far as the train going through, [12] as far as I see it, democracy is built for [13] corporations and it's not built for [14] socialism. Because socialism is where the [15] government controls how companies work and [16] not the will of the people. Because, [17] honestly, socialism has failed in every [18] country that has tried it. It's still failing [19] in China and these other countries. What you [20] are saying is that a corporation cannot [21] expand because of the fact that we don't like [22] it. I don't think that that's right. I don't

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[1] think that's fair to a company that's [2] offering competition under a very lim-

ited [3] field. You're looking at an industry that [4] creates millions of dollars of revenue for [5] both sides.

[6] If you really don't want this train [7] to come through, I think you should be [8] fighting the electric companies that give you [9] power, because that's where this is going. [10] The farmers need the trains. The farmers are [11] what built the railroad industry to what it [12] is today. The farmers and the timber and the [13] loggers. Now think we can just kick them out. [14] Well, there are still farmers out there that [15] use it and I'm glad that we had the soybean [16] president today, and I'm glad to hear from [17] people that still actually use the railroad [18] instead of just hearing on the news how many [19] people hate the idea. Thank you.

[20] **MR. BALCOM:** Good afternoon. My [21] name is Tom Balcom. I'm the Environmental [22] Planning Director for the Department of

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[1] Natural Resources. As an aside, I was [2] disappointed that the DNR didn't make [3] Ms. Blasing's list of important state [4] agencies, because I think we are a factor [5] here.

[6] The Minnesota DNR has been involved [7] with the DM&E railroad expansion project for [8] more than two years providing information [9] about natural resources in state lands along [10] the proposed route and providing preliminary [11] review of information being developed to [12] apply for the Minnesota Department of Natural [13] Resources public water permits and Corps of [14] Engineers water resources permits. The [15] Minnesota DNR has also participated in two [16] surveys of railroad right-of-ways and [17] adjacent lands along nearly the entire rail [18] line in Minnesota.

[19] The Minnesota DNR's involvement has [20] provided us with an opportunity to assess the [21] natural resources that will be affected by [22] the DM&E railroad project. These preliminary

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[1] comments will be followed by detailed written [2] comments prior to the January 5, 2001 [3] deadline.

[4] Our initial reaction is that the [5] proposed project would have negative impacts [6] on wetlands, streams, native prairies, [7] forests, fisheries, wildlife, and recreation [8] areas along the DM&E corridor in Minnesota. [9] The Minnesota DNR permitting process will [10] help avoid and minimize the impacts on [11] wetlands, streams and other protected water [12] bodies which the DNR has permitting authority [13] over.

[14] Where use of State lands is planned [15] required easements could dictate

impacts [16] on — that impacts on natural resources would [17] be minimized. Likewise the Corps of [18] Engineers permitting process will help reduce [19] impacts to water resources under its [20] jurisdiction.

[21] However, a project of this scope [22] would bring unavoidable negative impacts on

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[1] natural resources that could not be entirely [2] mitigated. The DNR favors the project [3] alternatives that minimize impacts on natural [4] resources and that suitably address [5] accumulative impacts.

[6] We have some specific concerns. [7] I'll just touch on a couple now and save the [8] rest for the Rochester meeting. Minneopa [9] State Park would be impacted by one [10] alternative location for the Middle East [11] Staging Yard and Marshalling Yard, a facility [12] that would be a major intrusion into the [13] park. In addition, increased rail traffic [14] would be incompatible for the purposes for [15] which the park was established.

[16] The proposed Mankato southern [17] bypass would result in 10 new stream [18] crossings, eliminate 24 acres of wetlands, [19] 68 acres of woody vegetation and 196 acres of [20] agricultural land resulting in considerable [21] impacts to aquatic and terrestrial fish and [22] wildlife habitat.

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[1] The Cumulative Impacts and [2] Mitigation chapters and the Biological [3] Assessment appendix are poorly written, [4] repetitive, and not very detailed. In [5] addition, the DEIS contains many more [6] inaccuracies, inconsistencies, and omissions, [7] making review of the document difficult. [8] Thank you.

[9] **DR. PROCTOR:** Hello. I'm Dr. Beth [10] Proctor and I'd like to start by saying I [11] have over 20 years experience in the [12] environmental arena and today I'm speaking [13] for myself.

[14] On the Draft EIS I found it [15] difficult to understand, misleading, and [16] confusing. I found the information very [17] repetitive. The same data was presented many [18] different ways. I found — I thought this [19] EIS, Draft EIS was intimidation by volume. I [20] call it cotton candy, but not quite as sweet. [21] It has a lot of volume and no substance. [22] If you look at intersections, how

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[1] many intersections actually are there? I [2] found a number of inconsistencies there. [3] Siding locations are not on the map. They're [4] I.D.'ed by mile posts. The cumulative impacts [5] were condensed

from the impacts in part 3.

[6] The mitigation is unbelievably [7] brief. In a 2,000 page document the [8] mitigation runs from 7, dash, 11 to 7-28. It [9] is generic, nonspecific, one size fits all. A [10] recurrent phrase that's in this section is [11] "to the extent feasible." Who determines "to [12] the extent feasible"? Who pays for the [13] mitigation? If there is an accident — [14] excuse me, when, not if, there is an [15] accident, who pays for that? Does the [16] DM&E — what is DM&E's liability and are they [17] self-insured?

[18] I found that this Draft EIS was [19] sorely lacking. I believe that the Draft DEIS [20] needs to be revised and open again for public [21] comment. If that is not the case, I would [22] like you to consider this. The DM&E bought a

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[1] dilapidated railroad about 10 — about 15 [2] years ago. They estimated the cost of repair [3] to be 10 million. They have spent more [4] than 100 million and they still have a [5] dilapidated railroad with a safety record [6] that is 10 times worse than any comparable [7] railroad. Now they want to lay 200 miles of [8] new track, plus repair and upgrade existing [9] tracks while running up to 37 trains a day. [10] With this kind of record, how can you allow [11] this railroad to expand? Thank you.

[12] **MR. GARDINER:** Thank you. Let me [13] try it again. Mary Roy? Okay. That [14] concludes the people who have signed up. I [15] want to go back through and we did skip over [16] some people who may have arrived since then. [17] Julie Anderson? Okay. Walt Luneberg. Chuck [18] Ragan. You're here. Great. Do you want to [19] come up and supply your comments?

[20] **MR. RAGAN:** The other people in [21] Mankato might know me. I'm Chuck Ragan. I [22] own Chuck's Body Shop in Eagle Lake. I know

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[1] that the railroad — well, number one, I do a [2] lot of work for insurance companies. All you [3] people think that you're going to do some [4] good talking here. I'm probably not going to [5] do any good either. There ain't no way you're [6] going to buck big buck companies like the [7] railroad. It will be just like trying to buck [8] State Farm, Farmers, or American Family. I [9] deal with these insurance companies all the [10] time. These big companies, you're not going [11] to win.

[12] I know when I bought the property [13] alongside the railroad tracks in Eagle [14] Lake 30 years ago, my house is right beside [15] the shop. You guys are talking about this, [16] that, you guys don't even

realize what it's [17] doing to the ground. My shop is right beside [18] the railroad. My shop, the floors are [19] cracked. I have got two garages. The [20] garage — both the floors are cracked. The [21] house, the foundation, and my house is, is [22] cracked and caving in. Now I ain't going to

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[1] blame all this on the railroad. The house [2] faces Highway 14, the old Highway 14. I'm [3] going to blame that on the semis that went by [4] all the time. [5] The railroad never bothered me the [6] whole time I was there. Now they closed old [7] Highway 14, turned it into County 17, or 55, [8] whatever they did. I have the new four lane [9] behind me. Thank God they've got the access [10] right beside my body shop so I can still do a [11] good business. Business has been very good [12] for me for 25 years. If this railroad goes [13] through that crossing, it's going to finish [14] my business off. I'm very proud of my [15] business. I just turned my business over to [16] my son and my daughter. If this railroad goes [17] through, there ain't going to be no Chuck's [18] Body Shop there. If they're going to [19] spend 1.4 billion dollars, hey, I ain't got [20] nothing against what you're doing. Buy me [21] out. I have got some more property on [22] highway — the new Highway 14, hey, I'll be

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[1] glad, six months, I'll tear it down, move it, [2] and build a new shop. Thanks.

[3] **MR. VOGEL:** Good afternoon. My [4] name is Allan Vogel. I'm the Director of the [5] Office of Freight, Railroads & Waterways for [6] the Minnesota Department of Transportation.

[7] We believe the Surface [8] Transportation Board has done a commendable [9] job describing the no action alternative. [10] MnDOT believes that the DM&E is a critical [11] element of a balanced, multi-modal [12] transportation system in Minnesota and shares [13] the STB's conclusions that there are [14] significant environmental and social costs if [15] this railroad were to fall into further [16] disrepair and/or service abandoned. [17] Competitive transportation options for [18] shippers in Minnesota is critical and this [19] railroad provides economic advantages to the [20] agricultural communities in southern [21] Minnesota.

[22] As part of the STB's process to

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[1] review and solicit comments on the DM&E's [2] construction application, MnDOT submitted [3] specific comments and requested that several [4] conditions be imposed on the railroad. [5]

Several of MnDOT's comments and requested [6] conditions have an impact on the subject of [7] this DEIS. I'll go into more detail in a [8] moment, but recognize that the Surface [9] Transportation Board's failure to acknowledge [10] the critical nature of the comments and [11] conditions sought by MnDOT have influenced [12] your approach in addressing topics for the [13] DEIS.

[14] In particular, the STB choosing to [15] ignore the significant increases in rail [16] traffic that will be experienced in the City [17] of Winona with environmental consequences [18] must be addressed. Let me speak specifically [19] to train volumes. The analysis contained in [20] the DEIS for the environmental impacts is [21] terribly flawed because of how poorly and [22] inconsistently the STB has addressed the

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[1] issue of train volumes.

[2] For example, when determining noise [3] or vibration consequences of this [4] application, the STB assumes current train [5] levels in Minnesota that range between 8 [6] and 14 trains per day. Our own analysis and [7] records would conclude that four trains per [8] day in Minnesota is on the high side of the [9] average traffic for the DM&E. You move to [10] train volumes of 37 trains per day and a full [11] buildup. Now, this figure represents for the [12] railroad a best business case and represents [13] for the communities a worst case scenario. [14] Most important in consideration of train [15] volumes is how inconsistent the number of [16] trains is used in your analysis.

[17] First, there should be some [18] recognition that some number of trains will [19] in fact interchange at Mankato and Owatonna. [20] Not all trains are going to continue east [21] through to Rochester and into Winona. [22] Second, if you must choose to conduct your

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[1] analysis based on 37 trains, how can you [2] possibly remain silent on the environmental [3] consequences within the City of Winona? [4] Third, for the DEIS to state that 37 trains [5] through the city does not present serious [6] traffic consequences is a flawed conclusion. [7] Let me speak for a moment to Rochester. First [8] we're extremely disappointed that after all [9] this time and effort no preferred alternative [10] has been identified.

[11] I want to remind the STB that the [12] Department conducted a thoughtful and [13] technically sound Minnesota rail corridor [14] safety study that was dated February 2000 and [15] provided to the

STB. My advice to you is that [16] you review that study again and recognize the [17] great separations based on train volumes are [18] an essential element of resolving this [19] alternative.

[20] With respect to bypass alternatives [21] for Rochester, recognizing that it's totally [22] unacceptable that there be at-grade crossing

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[1] of four lane divided highways, MnDOT will not [2] accept this conclusion because safety is in [3] fact compromised, and, in fact, MnDOT will [4] not accept at-grade crossings of any four [5] lane divided roadway at any location in [6] Minnesota.

[7] A bypass alternative that provides [8] for 34 new at-grade crossings over a [9] relatively short distance is also [10] unacceptable. The STB should identify the [11] appropriate mix of road closures and safety [12] improvements on any bypass alignment that [13] would ensure safety of the motoring public [14] and railroad employees.

[15] I have a number of other comments [16] that I would like to make and I know that I [17] am scheduled to speak this evening as well, [18] and so what I will do is I will conclude my [19] remarks in this evening's session, if that [20] would be all right. I appreciate this [21] opportunity. Thank you.

[22] **MR. MATHLOWITZ:** Dean Mathlowitz

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[1] from Sleepy Eye, Minnesota, a resident and a [2] civic activist in Sleepy Eye. On [3] August 5, 1979 my older brother Leon drove [4] into the side of a DM&E train. Four o'clock [5] in the morning, a pretty dark night, a [6] blacktop road, going 50 miles an hour, he [7] didn't have a chance because there was no [8] protection.

[9] After that my dad got busy. He was [10] a highway contractor. He knew the contacts. [11] He knew Mr. Vogel, the people, and he knew [12] the governor, and he got railroad crossings [13] safer in Minnesota and a lot of other places [14] by increasing reflectorization, increasing [15] the accountability of the railroads and going [16] and understanding the railroad business. [17] Taking the time to research it.

[18] Railroad crossings can be safe. The [19] DM&E has committed very much more strongly [20] than many, many, many other railroads in this [21] expansion to make crossings safe. They've [22] gone ahead and done it in Sleepy Eye ahead —

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[1] still with their 10 mile an hour trains and [2] their measly little old traffic because they [3] care about people.

They've been lambasted [4] here. They've had a few people brave enough [5] to stand up and say that it's important. I [6] believe it's important also.

[7] I also have joined the Southern [8] Grain Belt Shippers Association. We're [9] advocates of making shipping of all the [10] existing products along the rail line, clay, [11] grain, all the different wood products, [12] making it more cost effective for business. [13] That's what makes this economy run. That's [14] why the railroad was put there in the first [15] place. They were here first, folks. If your [16] house is right next to it, then whoever built [17] it, when you bought it, they made a decision [18] that there was going to be a train running [19] by, and it never was told how many trains [20] were going to be running and how fast. They [21] owned the property. They can run the trains. [22] That's all I have to say.

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[1] **MR. GARDINER:** All right. Thank [2] you. Okay. That concludes the people that [3] signed up to speak. We have a little more [4] time, so is there anybody who hasn't had a [5] change to make comments they would like to? [6] Okay. Why don't you come up? Is there [7] anybody else? Okay. I see a few hands. Why [8] don't we go in this order? Be sure to [9] introduce yourself for the record.

[10] **MS. MADDOCK:** My name is Pam [11] Maddock. I live on the southeast side of [12] Mankato. I am strongly opposed to the [13] southern bypass. You have heard many good [14] reasons this afternoon. Concerns about [15] noise, pollution, the environment, wildlife, [16] and especially safety issues. They're all [17] very valid reasons whether you live in the [18] city or in the county.

[19] However, my first choice would be a [20] no build alternative. But if that is not the [21] alternative, I strongly feel it has to go [22] through the city of Mankato because the

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[1] railroad has been established here for [2] 131 [3] years, it will remain in Mankato to serve [4] businesses. To create a second corridor [5] through our county is not a viable option. We [6] need one corridor to serve our community. We [7] already have that established. Thank you.

[8] **MS. BLASING:** You want to buy my [9] house?

[10] **MR. ROCHETEL:** My name is Dan [11] Rochetel and I live at 20167 589th Avenue and [12] I oppose the M-2 southern bypass. It's going [13] to pass — well, less than a half mile north [14] of my house. I guess, in retrospect, if I [15] wanted to live by the railroad I would [16] have — I would have bought by the

railroad. [16] I choose not to. I'm not naive, though. I [17] understand that progress is going to happen. [18] But appraisers tell me that I stand to take [19] a 30 percent hit on my property. I don't [20] expect that I should have to absorb that.

[21] I think whatever happens — [22] whatever package — whatever is going to —

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[1] whatever you decide to choose to take, I [2] would expect the compensation for the [3] landowners has to be a part of that package. [4] I don't expect and I don't expect other folks [5] along the railroad, especially on new routes, [6] to subsidize the railroad, or its [7] benefactors.

[8] I think we've got to remember here [9] that the corporation's concerns are profits [10] and/or their stock and shareholders. Not to [11] say that I own any stock, but I don't expect [12] somebody else to subsidize it.

[13] It seems also appropriate to me [14] that the extension of the comment period is [15] certainly appropriate. There seems to be a [16] lot of unclear facts in the document. I have [17] not seen it. Probably wouldn't even know how [18] to read it. But people here a lot smarter [19] than me seem to give me an indication that [20] it's unclear, it's obscure, and it sounds [21] like it's incomplete.

[22] I guess just to summarize, in

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[1] whatever case you decide to go, or whichever [2] route we decide to go, try to make the most [3] informed, fair, and just decision. Thank you.

[4] **MS. CLINKE:** Hi. My name is [5] Kellian Clinke, I'm going to read this as [6] fast as I can.

[7] **MR. GARDINER:** Not too fast. The [8] court reporter has got to get it.

[9] **MS. CLINKE:** Let me start by saying [10] that more time is needed by ordinary citizens [11] who work 40 hours a week, not only to study [12] the DEIS itself, but the intended NEPA laws, [13] applicable court cases, railroad studies, [14] noise emission studies, treaties made with [15] Native Americans across the corridor, and [16] other relevant, and there's a world of [17] information relevant, pertinent, and critical [18] to understanding the DEIS and more [19] importantly the alternatives not presented.

[20] Throughout the hearings that have [21] been held across the rail corridor, you have [22] heard how poorly or advance research and how

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[1] incomplete it is. I join my friends from [2] Wyoming to Winona in saying that in

fact we [3] both need a new improved DEIS as well as more [4] time to study it should a complete one be [5] undertaken and successfully completed.

[6] My job here is to look at the [7] Powder River Basin expansion project in light [8] of agriculture. Chapter 3, I'm going to say, [9] talks about the approximate county percentage [10] of prime farmland acreage ranging from 30 [11] percent for Winona to 88 in Redwood County, [12] but it doesn't talk about how much of this [13] prime farmland is going to be divided up and [14] made harder to work for rails and access [15] roads to improve the rail and much of that [16] prime acreage is going to burn as trains go [17] through shooting sparks with every mile they [18] make.

[19] They don't talk about how many [20] individual farmers are going to be [21] inconvenienced by the doubtful benefit of [22] having 37, mile and a half, trains roll

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[1] through every day. They talk about 186 miles [2] of croplands, but not how they're going to [3] fight the fires or safeguard the kids or the [4] dogs on these farms.

[5] In addition, of course, it's hard [6] to express the intrinsic value of all that [7] silence, of all that uninterrupted beauty. I [8] grew up in Wyoming and I know something about [9] the nature — the beauty of nature [10] uninterrupted, unfettered by man. There's a [11] lot of uninterrupted beauty that they are [12] disturbing and it's damn hard to put a price [13] tag on it and it's impossible to mitigate.

[14] I know that you have heard from [15] ranchers in Wyoming whose ranches are going [16] to ring from thunder and farmers in South [17] Dakota whose homesteads are going to become [18] unusable, certainly made unsafe for the farm [19] kids by the proposed expansion and upgrading [20] of rail track. The DEIS makes the claim that [21] without expansion of the DM&E into the coal [22] fields of Wyoming the farmers could

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[1] potentially lose their viable rail system to [2] get their grain to market. Two problems with [3] that. I believe the DM&E could use money [4] available through the Federal Railroad [5] Administration, the Railroad Rehabilitation [6] and Improvement Financing Program, and I have [7] a copy of that grant application, to improve [8] the rails, if that's their intent.

[9] Secondly, the possibility exists [10] that grain would actually get squeezed out of [11] the picture if coal takes precedence. The [12] DM&E may or may not prioritize getting grain [13] to market over getting

coal to the East. We [14] just don't know. We do know that on [15] November 7th the National Grain and Feed [16] Association announced that 418 of its member [17] rail user companies haven't signed a one year [18] extension of the agreement with rail carriers [19] to arbitrate specific types of rail disputes, [20] an agreement that has apparently served both [21] the rails and rail customers very well and [22] argues well for relationships between the

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[1] farmers and the Burlington Northern and Santa [2] Fe Railroad, as well as the Union Pacific.

[3] I'm going to reserve my time to [4] tonight.

[5] **MR. HEFFENER:** Good afternoon. My [6] name is John Heffener. I'm the Washington [7] attorney alluded to by the City of Owatonna. [8] Mark Walbran and Greg Sparks wanted me just [9] to emphasize a few short points. Two of which [10] were sort of touched upon, two of which [11] really were not touched upon. The four points [12] that I would make are, first of all, [13] mitigation costs. Owatonna, like other online [14] communities, needs the Board's help. If the [15] STB approves this transaction, Owatonna will [16] be faced with certain mitigation costs. [17] Arguably, we don't get any benefit from this [18] construction project, but we sure are going [19] to face significant mitigation costs. The [20] citizens of Owatonna are going to face [21] significant mitigation costs. The question [22] is, how will these costs be mitigated. Who

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[1] will be responsible for paying them? That's [2] item number one.

[3] Item number two, as other [4] representatives of the City have pointed out, [5] the DEIS is very vague. It identifies issues, [6] but it doesn't really identify solutions. The [7] third and fourth points are what I want to [8] spend my time on.

[9] The third point is the so-called [10] Community Partnership Agreement. The fourth [11] point is the STB's reliance on voluntary [12] agreements. With respect to the Community [13] Partnership Agreement, the City originally [14] supported an outer loop, the railroad [15] supported an inner loop. We eventually [16] arrived at sort of an understanding embraced [17] in a document called a Community Partnership [18] Agreement.

[19] Now, under that agreement, and this [20] is the point that I want the Board to [21] understand, we have the right to back out at [22] any time. The railroad cannot back out

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[1] unless we back out. So, if for some

reason [2] or another we were to have a change of heart, [3] we do have that ability and we also have the [4] ability to choose whichever is better, a [5] regulatory result from the Board, whatever [6] that result is, or the Agreement. So we can [7] go either way in terms of the benefits.

[8] My final point deals with the STB's [9] over reliance on what I call voluntary [10] agreements. We certainly agree that a [11] voluntary agreement is far better than a [12] regulatory solution. But, in order for [13] parties to obtain a voluntary agreement, it's [14] a function of two things. One, how much [15] bargaining power you have, and, two, whether [16] or not there is a regulatory solution lurking [17] in the background. Let's face it, DM&E does [18] not have the same bargaining power as the [19] Union Pacific. The City of Owatonna, does [20] not have the same bargaining power as either [21] of those two railroads. But, if the Board is [22] willing to use its regulatory powers, then

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[1] there can be a voluntary solution. Thank [2] you. I appreciate the time.

[3] **MR. HUNTERMAN:** My name is Alan [4] Hunterman and I live at 7 Skyline Drive. I'm [5] on the city council up in Skyline. I do want [6] to address our community for — I do thank [7] the Surface Transportation Board for allowing [8] me to speak on this. Our honorable mayor was [9] up here earlier and expressed his concern, [10] but what I want to tell you, Skyline is — [11] belongs to the League of Small Cities. We [12] are a city in itself. We have 125 homes up [13] there. Just as of last night, when we first [14] found out that it looks like they're going to [15] possibly take some homes out of there — and [16] I invite you to drive by that community and [17] look by there what it would do to that [18] community. It's strictly residential. If you [19] look on the west side of the Skyline slopes, [20] that is all trees. If they take that hillside [21] out, that's the only thing that's supporting [22] that ground. If they're taking the homes,

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[1] they're taking all that hillside out, that is [2] very — that is soil that could erode very, [3] very easily.

[4] There are, if you go by there, [5] there are some caves under there. So, that's [6] one address, something I really want to [7] address to you to take a look at that. I [8] cannot imagine the cost to the railroad, what [9] this will cost them. We live — Skyline is [10] high. We're up in the air. I can hear the [11] trains real easy coming through Mankato. [12] Coming through down the LeHillier way. Now, [13] I can't imagine what it would be when we [14] would have them that close. Coming

right to [15] the west of us.

[16] The other — and so the noise is [17] going to be absolutely much more. If they're [18] going to run — now, we found out last night [19] that that train will only handle about a one [20] or two percent grade. Now, if you go down [21] there and look at this, there's more than one [22] or two percent grade trying to get out of

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[1] that valley. So I can't imagine the trestles [2] or how high they'll have to build that line [3] in there.

[4] So, I — it's got to be a [5] tremendous expense. Like it was stated [6] earlier, of all these crossings, I'm — I'm [7] just going to tell you, I'm so against that, [8] that southern bypass. I would be for going [9] on Interstate 90. Thank you very much.

[10] **MR. KASAM:** Good afternoon. My [11] name is Marty Kasam. I'm a Mankato township [12] supervisor. The first thing I want to start [13] out by saying is that I think it's really a [14] shame that this proposed expansion is pitting [15] the county residents against the city [16] residents. It seems like we're — when it [17] gets right down to it, if the rail is going [18] to go through, we have to choose between [19] breaking up the county or breaking up the [20] city and I'm — I'm really disappointed in [21] that and I hope you keep that in mind when [22] you make your decisions.

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[1] If we had to choose, we certainly [2] would be voting against the southern bypass. [3] The majority of the southern bypass does go [4] through Mankato Township. I think if you look [5] at the maps we have one of our residents up [6] here that runs a business, it's the Mount [7] Kato ski area. If you look at the maps, it [8] appears that it's just going through some [9] ground there that doesn't have a lot of [10] elevation to it, but if you drive out there [11] and look, you'll see that it will actually [12] take away their business.

[13] Another — we just had a meeting [14] last night, and we talked about different [15] things, and I'll just cover some things that [16] were brought up. Safety issues. It's always [17] a concern. We think that one death is too [18] many when we have kids out playing, young [19] people driving out on the roads. Because all [20] of the crossings in our township would be [21] just at-grade crossings. That is a lot of [22] train traffic through there.

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[1] A school bus route. The school — [2] one of the school bus businesses is in our [3] township and he said last night that his [4] buses in one day will cross the rail line [5] 37 times. That's with loads of kids.

[6] Emergency vehicles, we need to [7] address that. If — we're served by rural [8] fire departments. If a fire department has to [9] wait because of an at-grade crossing for a [10] mile long train, a lot can happen, whether [11] it's a fire, or a heart attack, or any of [12] those things. So the railroad crossings are a [13] real concern of ours. Of course, the noise, [14] vibration.

[15] One of the other things, if you [16] look on the, on the map of this proposed [17] southern route, we, meaning the county, just [18] spent millions of dollars of doing an upgrade [19] along that valley. We just built a brand new [20] bike path. We just upgraded Indian Lake, a [21] conservation area, and this rail would wipe [22] out that entire bike path and part of our

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[1] conservation area on Indiana Lake.

[2] Also, I believe that in the future [3] the southern bypass is going to be the outer [4] limits of the City of Mankato, and there [5] again, like it's been stated before, we would [6] end up with two rail corridors in Mankato. I [7] don't think we need that.

[8] My last point is that we would like [9] to ask for a 180 day extension so that we [10] could do more research. I guess my real last [11] point is, is that we are, as a township, [12] being forced to hire attorneys to help us to [13] make good proposals to you and to state our [14] case maybe at the Washington, D.C. level. The [15] initial cost estimates that were given to us [16] the other night are \$30,000 to run this [17] through. That's about 20 percent of our whole [18] annual budget. We do need to buy gravel and [19] other things with that. So, just keep that [20] in mind, please. Thank you.

[21] **MR. MATHLOWITZ:** Good afternoon. [22] I'm Brian Mathlowitz from Mathlowitz

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[1] Construction Company. We're located in [2] Leavenworth, Minnesota by Sleepy Eye. We are [3] a DM&E shipper. We ship Kaolin clay to Iowa. [4] We support this improvement project and we [5] support a cooperative spirit to address the [6] issues to allow it to move forward which we [7] believe should happen.

[8] Rural Minnesota needs this railway. [9] We need a state of the art railroad. [10] Highway 14, which is our main life blood, [11] isn't really rescheduled for rebuilding from [12] Mankato west until after most of us are [13] passed away. Without this railroad, what [14] else have we got? Without improving this [15] railroad, it will — without the improvement [16] project this railroad will deteriorate and [17] eventually go to abandonment, which it was [18] already scheduled for once before.

[19] Missouri would love to sell clay to [20] Iowa. They're actively pursuing clay [21] interests to sell into Iowa. This is just [22] one example of the economic development that

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[1] Minnesota would lose by not having this [2] railroad be improved. Our business, of [3] course, would disappear.

[4] We believe the increased speed of [5] the trains is an issue, but at the same time [6] I did lose a brother who hit this train at a [7] crossing that would be improved. As many [8] crossings would be improved. Whether you hit [9] a train at 40 miles an hour or 4 miles an [10] hour the result is the same. The crossings [11] that would be improved will save lives. The [12] amount of time that each train will be in a [13] crossing will be considerably less than it is [14] today. Three minutes compared to 10 minutes [15] with the slow motion trains versus the fast [16] trains.

[17] So, I do speak with some, some [18] emotional attachment as losing a brother, and [19] we believe that safety can be improved, and I [20] look forward to that improvement. Our [21] property in rural Minnesota is declining and [22] will decline — continue to decline without

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[1] this railroad. We built a million dollar [2] improvement on our shop last year which today [3] is only worth \$200,000 because the regional [4] centers are getting all the economic [5] activity. The Mankatos, the St. Clouds, the [6] Willmars, the Minneapolis. The economies are [7] booming. Rural Minnesota is being left [8] behind. We need to be connected. Since we [9] can't be connected with our highways, this is [10] another alternative to get connected to the [11] regional centers so rural Minnesota economies [12] can stay up and not get lost behind, [13] especially our farmers so they can move their [14] products, and clay, et cetera. There was a [15] time when every community welcomed the [16] railroad. That's what made communities. [17] Leavenworth, Minnesota was supposed to be the [18] county seat. It is now a population of 20. [19] The reason it didn't get anywhere is because [20] the railroad went on the other side of the [21] river much to everybody's chagrin.

[22] So please find ways to work

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[1] together to move this project forward. Thank [2] you.

[3] **MR. BROCK:** Good afternoon. My [4] name is Cameron Brock. I'm an engineer for [5] the Dakota, Minnesota and the Eastern [6] stationed in Waseca, Minnesota. This isn't [7] my — I'm not playing



dress up, I just got [8] off the switch engine a couple of hours ago [9] to attend this meeting. Don't tell the boss.

[10] First of all, I'd like to say that [11] every business owner in Mankato and [12] Rochester, I'm moving you to the interstate. [13] You have to move, you have to pay for it [14] yourself. The railroad has — I mean, that's [15] stupid. Right? The railroad has their [16] property. They've had it for 120 years. No, [17] it's ludicrous to say to move it. The whole [18] process would have to start over. Who pays [19] for the move? The railroad. The railroad is [20] not publicly funded. The railroad is [21] privately funded unlike the interstate [22] highways. The railroad pays for itself. pays

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[1] taxes to every place it goes through. [2] I have been an engineer for 23 [3] years. Twenty in this area on this pike. I [4] have gone through Mankato for 20 years, and I [5] myself, I'm speaking only for myself, I don't [6] want to go around Mankato either. I have been [7] going through town. But the thing is, the [8] DM&E railroad track ends on one end of town, [9] starts on the other end of town, you're [10] controlled by UP who owns the track through [11] town. The UP, unless they play ball, we're [12] under their thumb and that's not — that [13] doesn't — that's not conducive to coal [14] trains who have to meet a schedule and be on [15] time.

[16] Now, I understand the partnership [17] agreement would — that was disbanded at the [18] City of Mankato trying to get the UP to the [19] table, which was not done, and, so, that's [20] why the DM&E had applied for a bypass just in [21] case that scenario didn't work. We do not [22] want to be under their control.

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[1] You have heard of David and [2] Goliath. The UP is Goliath and we're David's [3] little baby brother. It's a little bitty [4] outfit that's trying to make a go here. It's [5] the biggest project in this country in [6] probably the last hundred years of expansion [7] for a railroad and I have been around for, [8] like I say, for 20 years, and all I have seen [9] is rail tore out. Probably for every mile [10] that the DM&E wants to build, 50 miles of [11] track in this area has been torn out in the [12] last 20 years. I think it's a crime.

[13] I want to see that trend reversed. [14] I say instead of fighting the railroad let's [15] get some more industry on the edge of the [16] town, a separate district for rail service, [17] and everybody can benefit from this [18] prosperity. Let's get a Daimler Chrysler [19] plant built up on the hill here, you know. [20] It's not out of the realm of possibility with [21] a first

class railroad. You can do these [22] things. That's how it's done. Thank you.

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[1] **MS. BLASING:** May I have some [2] question to ask or a point to make —

[3] **MR. GARDINER:** Let me finish with [4] the people.

[5] **MS. BLASING:** Ah —

[6] **MR. GARDINER:** Ma'am, let me finish [7] with the people who haven't spoken yet.

[8] **MS. BLASING:** The length of these [9] trains —

[10] **MR. GARDINER:** Ma'am, I would like [11] to finish with the people who haven't spoken [12] yet.

[13] **MS. BLASING:** Okay. I'm sorry.

[14] **MR. GARDINER:** Go ahead.

[15] **MR. BERG:** I have a real short [16] comment. I'm Jim Berg. I'm a county [17] commissioner. We have a real safety concern [18] with the Shag Road area of Cottonwood [19] Township east of New Ulm. It's been [20] mentioned before by Mr. Scheman. We'd ask the [21] Surface Transportation Board to take a real [22] serious look at this staging area. We think

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[1] it's unsafe for the residents. It is a [2] residential area, there's only one — there [3] will be only one outlet to that area and then [4] with the slowing trains we'd like to have [5] them to take a real serious look at that. [6] We're afraid that there is a real safety [7] problem involved in that. That's the only [8] comment I have. This issue will be addressed [9] further more tonight. So, thank you.

[10] **MR. BOWIE:** Rich Bowie, Owatonna, [11] Minnesota. I am scheduled this evening, but [12] I did have a discussion with someone that [13] spoke earlier in the foyer area and this [14] gentleman was the head of the Grain Growers [15] Association here in Minnesota. I can't [16] believe how uninformed he is as to this [17] issue.

[18] He wasn't cognizant of the fact [19] that should Kevin Scheiffer make it out to [20] the Wyoming coal fields that grain could [21] become a secondary commodity for him. [22] There's so much information on this issue,

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[1] and people have been held hostage with half [2] truths and lies through this whole [3] proposition that even someone with a position [4] such as his, a representative of Minnesota [5] Grain Growers misinforming people at this [6] podium. If Kevin Scheiffer gets that coal, [7] that grain is going to become secondary. [8] Once that grain is secondary, our highways [9] are going to be —

they're talking about 40 [10] truck loads of grain equals one car load. [11] Well, if — we're going to have 40 truck [12] loads for every grain car that we can no [13] longer haul from western Minnesota. That's a [14] fact. I think you know that, too. But there [15] are so much misinformation. We haven't been [16] informed. We've been held hostage by [17] information, misinformation by Kevin [18] Scheiffer for the longest time. Left out on [19] our own to negotiate with him, and quite [20] frankly his larcenous ways. Thank you.

[21] **MS. BLASING:** May I make an [22] additional comment here?

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[1] **MR. GARDINER:** Just let me make [2] sure that there aren't other folks who [3] haven't —

[4] **MS. BLASING:** First of all, —

[5] **MR. GARDINER:** Ma'am.

[6] **MS. BLASING:** — the railroad is [7] going down to Winona and these cars are going [8] to go north on a Canadian owned line.

[9] **MR. GARDINER:** Ma'am, would you [10] like me to conclude the meeting?

[11] **MS. BLASING:** There are plants [12] going up in Michigan. There are plants where [13] this coal is going to go that have never been [14] updated, they've been grandfathered in. There [15] are many things that we are not told. I've [16] watched two summers the DM&E — the DM&E did [17] not clean the vegetation around the crossings [18] near Janesville and Smiths Mill, and those [19] are things that if they are going to put a [20] railroad in and expand that they should have [21] been doing.

[22] **MR. BROCK:** They didn't have the

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[1] money then. They don't have the money until [2] the coal line goes through.

[3] **MR. GARDINER:** We're going to [4] conclude the meeting. Thank you very much. [5] We appreciate all of your thoughtful [6] comments. Please provide your comments in [7] writing. Thanks.

[8] (Whereupon, at 4:11 p.m., an [9] afternoon recess was taken.)

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[1] **EVENING SESSION**

[2] (6:05 p.m.)

[3] **MR. GARDINER:** Why don't we get [4] started? Thank you very much for coming. [5] We're here to talk about the proposed DM&E [6] expansion project. I hope that's why you're [7] all here. We're glad you came. We're very [8] interested in hearing from you this evening. [9] My name is Charles Gardiner. I'm going to be

[10] the facilitator this evening, and my job is [11] to help make this as productive as possible [12] for you, as well as productive for the [13] project team that's here.

[14] Can I just ask, quickly, how many [15] people came this afternoon? Good. Great. [16] Okay. So you folks will have to bear with us [17] a little bit, we're going to go through the [18] same presentation for those of you who [19] weren't here. I'm going to cover a few [20] logistical items, and then we do have a short [21] presentation about this project.

[22] What we want to accomplish this

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[1] night, first, the team would like to describe [2] to you the roles of the different federal [3] agencies that are involved in the [4] environmental review of the proposed [5] expansion. We're going to provide a short [6] overview of the project, and an overview of [7] the results of the preliminary environmental [8] impact analysis. most importantly, we want to [9] hear from you, hear your comments on that [10] Draft Environmental Impact Statement.

[11] So, the agenda we're working [12] through — I'm going to do some team [13] introductions in a moment. I'm going to [14] cover some meeting ground rules. The team is [15] going to talk about the role of the Surface [16] Transportation Board. That's the lead [17] federal agency reviewing the environmental [18] impacts of the proposed project. Also, the [19] roles of the cooperating agencies, the other [20] federal agencies that are cooperating with [21] the Surface Transportation Board, the team [22] will also give you an overview of the

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[1] project, the environmental impact analysis [2] results. then, we'll get to the public [3] comments.

[4] Just quickly, let me introduce the [5] folks who are up here. Vicki Rutson is here. [6] She is with the Surface Transportation Board. [7] She is the project manager of the [8] environmental impact review. Steve Thornhill [9] is here from Burns & McDonnell. He is the [10] project manager of the consulting team that [11] has been working under the direction of the [12] Surface Transportation Board to prepare the [13] Draft Environmental Impact Statement. Tim [14] Fell is here from the U.S. Army Corps of [15] Engineers. He's going to describe a little [16] bit what their role is, particularly related [17] to impacts of waterways and wetlands. I'm [18] Charles Gardiner, the facilitator for this [19] evening.

[20] Let me — before I do the ground [21] rules, let me cover a couple of things that [22] you have in your hands. The first is, it

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[1] looks like this, a gray sheet on the cover. [2] That's the agenda. It also has the guidelines [3] for providing comments. I'm going to go [4] through some of those in a moment. But also [5] the ground rules. It also describes about [6] providing written comments. On the back of [7] it are the addresses where you can provide [8] written comments on the Draft Environmental [9] Impact Statement, as well as on some other [10] components of related — that we're going to [11] talk about in a moment.

[12] We also have a white sheet that [13] looks like this. If you don't have any of [14] these things, they're at the front table. [15] You can pick them up during the meeting or [16] afterwards. But the white sheet here is — [17] some of you may feel more comfortable or [18] prefer to provide written comments tonight. [19] This is a tool you can use to do that, jot [20] some comments on that and leave it with us at [21] the front desk. You may have come to the [22] second — I don't know — to the second —

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[1] there's also a short sheet like this. That [2] has a couple of key contact information on [3] it. First is the Surface Transportation [4] Board's website. So, if you're online, you [5] can go there and actually view the [6] environmental document. So that's one way to [7] view it. Also on here is the Environmental [8] Hotline number here for the project. That is [9] not a place to provide comments, but it is a [10] place where you can ask questions if you want [11] to know where the nearest library is. Can't [12] remember what the comment deadline is, and so [13] forth. You can call the Hotline and we'll [14] get back to you as soon as we can.

[15] Lastly, we have a comment card that [16] looks about like this. That's really for you [17] to ask questions about the process, the [18] procedural questions. We're going to try to [19] cover everything in the presentation about [20] the process, the comment deadline, and all [21] those sort of things, but you might have [22] something that occurs to you that we didn't

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[1] cover, just fill these out, get it to someone [2] working the back table and during the meeting [3] and if you have a question we'll try to [4] answer it for everybody.

[5] We're not intending tonight to [6] answer questions about the Draft EIS. We [7] would prefer that you reshape those comments [8] on the Draft EIS. So if you have a — if [9] something wasn't clear to you, it wasn't [10] understandable, tell us

that. Tell us that [11] the document needs to be clearer or about "X" [12] or "Y." The team is going to describe in a [13] moment how we will be responding to comments [14] that we receive either orally tonight or in [15] writing. We'll describe that in a minute. [16] Let me — and then I'll cover the ground [17] rules.

[18] First, all these microphones are [19] on, so it's important that one person speak [20] at a time. Particularly in the back, the [21] tendency is to, you know, get a little side [22] conversation, it's quite distracting. Also,

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[1] we found that even out in the hallway it [2] tends to be fairly noisy, particularly for [3] the people in the back, so if you're going to [4] talk, go further away from the doorway [5] outside.

[6] We do have a court reporter who is [7] recording comments provided at the microphone [8] and it is distracting if other people are [9] commenting. We want to be sure that she [10] captures things accurately. We have [11] established some time limits for your [12] comments. We've done that to be sure that we [13] give everybody a fair opportunity. We have a [14] lot of people signed up. We want to be sure [15] that the people who are late on the list get [16] an equal opportunity to provide their [17] comments. We have set a time limit of three [18] minutes. To give you some guidance on that, [19] three minutes is about a page and a half of [20] even double spaced text. So, if you come with [21] a statement that's longer than that, you [22] probably won't get through it. It's not

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[1] helpful to the court reporter to read faster. [2] I encourage you, if your statement is longer, [3] to make some notes now in the margin, what [4] your key points are, and then do please [5] provide us with that written statement [6] either — well, as you leave there's a basket [7] out front — we'll make sure that it all gets [8] into the record. So, if you have something [9] written, don't feel obligated you have to get [10] through it all. Please do just give us the [11] highlights.

[12] Lastly, respect each other's [13] opinions. There are diverse opinions about [14] the project. Support and opposition about [15] different components, about the whole [16] project. The team is here to hear all of [17] those opinions. it's important that we [18] respect those opinions as we go. You can [19] express your support. I will stay to the time [20] limit, so expressing support during someone's [21] presentation might take up their time. If you [22] have rebuttal statements, if you have



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[1] statements of opposition to another speaker, [2] I'll encourage you to keep those to yourself. [3] Please keep the comments directed up to the [4] front. Constructive comments on the [5] environmental impacts.

[6] So, those are the ground rules. [7] now, what I would like to do is to get [8] everybody to nod we're going to live by those [9] ground rules. Those are the ground rules that [10] I'm going to be working with. So, that's how [11] we'll proceed.

[12] So, with that, let me introduce [13] Vicki, who will give you a little bit of [14] overview of the project.

[15] **MS. RUTSON:** Thank you, Charles. [16] Everyone can hear me?

[17] **SPEAKER:** Yes.

[18] **MS. RUTSON:** Again, I'm Vicki [19] Rutson. I'm an attorney with the Board's [20] Section of Environmental Analysis. I welcome [21] you all this evening. I'm pleased to see [22] such a good turnout and I'm anxious to hear

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[1] your comments tonight on the Draft [2] Environmental Impact Statement. I'd like to [3] first tell about the Surface Transportation [4] Board.

[5] The Board is a federal agency that [6] is located in Washington, D.C. The Board [7] itself is comprised of three members. A [8] Chairman, Linda Morgan, a vice-chairman, and [9] a Board member. Congress has given the Board [10] the responsibility of licensing certain [11] railroad actions. Those include railroad [12] mergers, railroad abandonments, and the kind [13] of transaction that DM&E has proposed, a rail [14] line construction.

[15] In February of 1998, DM&E submitted [16] an application to the Surface Transportation [17] Board seeking the Board's approval for DM&E [18] to construct a 262 mile rail line from the [19] end of its existing system in South Dakota [20] into Wyoming's Powder River Basin.

[21] This application started two [22] processes at the Board. The first process is

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[1] something called the Transportation Merits [2] Review. That review requires the Board to ask [3] three questions. First, is the applicant [4] financially fit. Second, is what the [5] applicant proposing, is that in the public [6] interest. third, is there a public need for [7] the applicant's proposal.

[8] On December 10th of 1998, the Board [9] issued a decision on the transportation [10] merits of DM&E's proposal. Based on the [11] information that was

before the Board back in [12] December of 1998, it found that DM&E had met [13] the transportation merits criteria. That [14] three part test. But, and this is very [15] important, the Board observed that all the [16] information wasn't before it. that's because [17] the Environmental Review Process, the second [18] process at the Board, had only just begun.

[19] The Environmental Review Process is [20] a complex one that has several steps. About [21] three years ago we started with scoping [22] meetings, in which we asked your opinion

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[1] about what kinds of issues should we be [2] looking at in the Draft Environmental Impact [3] Statement. We then worked quite hard in [4] developing the statement itself. We issued [5] the Draft Environmental Impact Statement on [6] September 27th of 2000. we provided a 90 day [7] comment period. We understood that the [8] document is long, and the document is [9] complicated. That's why we provided twice the [10] normal length of time for reviewing EISes.

[11] What happens next? We are here to [12] listen to your comments on the Draft EIS. [13] When the comment period closes in January [14] of 2001, we'll take all those comments, [15] respond and review them, we'll issue a Final [16] Environmental Impact Statement. If [17] necessary, we will do additional analysis in [18] that statement. When we're finished with the [19] Final Environmental Impact Statement, we will [20] issue that document and that will be the [21] close of the Environmental Review Process. At [22] that point, the decision-maker, the Board,

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[1] will have all the information in front of it [2] to make a final decision on DM&E's proposal.

[3] At that point, the Board will need [4] to make one of three choices, either approve [5] DM&E's proposal, as it was originally [6] submitted, approve DM&E's proposal, but only [7] if certain mitigation measures are [8] implemented first, or, three, deny DM&E's [9] proposal. Those are the three choices, and [10] the Board will issue a final decision, making [11] one of those three choices.

[12] Now, back to the Draft [13] Environmental Impact Statement. The Board is [14] the lead agency in issuing the Draft. But, [15] because there are other federal agencies who [16] must also issue licenses, we have had five [17] cooperating agencies help us in issuing the [18] Draft. Those five agencies are the Forest [19] Service, the Bureau of Land Management, the [20] Army Corps of Engineers, the Bureau of [21] Reclamation,

and the Coast Guard. We have a [22] representative of the U.S. Army Corps of

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[1] Engineers with us this evening, Tim Fell, and [2] Tim will be discussing the Corps' role in [3] this process.

[4] There's another agency, the U.S. [5] Environmental Protection Agency that also has [6] a role here. We have two representatives of [7] EPA with us this evening, Mazin Enwiya and [8] Jim Berkley. EPA is responsible for rating [9] the Draft Environmental Impact Statement and [10] also rating the Army 404 permit application.

[11] With that, I'd like to turn the [12] microphone over to Tim Fell. Thank you again [13] for coming this evening, and I look forward [14] to hearing your comments.

[15] **MR. FELL:** Thank you, Vicki. As [16] Vicki said, my name is Tim Fell. I work with [17] the St. Paul District, Army Corps of [18] Engineers. I work in the St. Paul office. [19] Our office is responsible for reviewing the [20] project and its impacts within the State of [21] Minnesota. The Omaha District of the Corps of [22] Engineers will be reviewing the project

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[1] impacts as they would occur in the state of [2] South Dakota and Wyoming.

[3] The Corps, when we review a [4] project, we review it under two laws. One is [5] Section 404 of the Clean Water Act, and the [6] other is Section 10 of the Rivers and Harbors [7] Act, which involves work in navigable waters. [8] The Corps reviews and issues permits when [9] there is a discharge of dredged or fill [10] material into waters of the U.S. That [11] includes waters like lakes and rivers and [12] ponds and wetlands.

[13] When the Corps is doing a review, [14] it needs to determine whether the proposal is [15] in the public interest, or not contrary to [16] the public interest, and whether the plans [17] that we're reviewing do they represent the [18] least environmentally damaging alternative. [19] During this public interest review, there's [20] many factors that are considered, and some of [21] these include wetlands, wildlife habitat, [22] economics, water quality, safety, cultural

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[1] resources and flood plain values. [2] Information that's gathered during [3] our public interest review, the public notice [4] that we send out, the Draft Environmental [5] Impact Statement, the Final Environmental [6] Impact Statement, and certainly comments that [7] we get during public hearings like this, all [8] of that information is going to be fac-

tored [9] in and considered before the Corps makes a [10] determination on whether to issue a permit [11] for DM&E's proposal.

[12] So, with that, I'd like to turn it [13] over to Steve Thornhill of Burns & McDonnell. [14] Thank you.

[15] **MR. THORNHILL:** Thank you, Tim. [16] Welcome everyone. For those that are [17] standing in the back, if you're interested, [18] there's lots of chairs I know on this side of [19] the room and there's a few more kind of [20] toward the middle and up front. What I'm [21] going to do is I'm going to take a few [22] minutes and kind of warm up the court

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[1] reporter and talk about, just real briefly, [2] kind of hit some of the highlights about [3] what's in the DEIS and what it's intended to [4] do and present.

[5] The first thing that the Draft [6] Environmental Impact Statement does is it [7] presents the existing conditions within the [8] project area. What it does in presenting that [9] is it attempts to kind of paint a picture, if [10] you will, of what the environmental and [11] natural resources that are present in the [12] area are to give people an idea of what's out [13] there, and what's important, and valuable in [14] the area.

[15] The second thing that it does is [16] that it looks at the alternatives to meet the [17] proposed project's purpose and need. One of [18] those alternatives, as required under the [19] National Environmental Policy Act, is the no [20] action alternative. That alternative was [21] evaluated in this DEIS. What is then done is [22] the alternatives to the project are evaluated

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[1] as to what their potential impacts would be [2] on the existing environmental resources found [3] within the project area. As Vicki mentioned, [4] the Draft EIS was released on September 27th [5] of 2000. There's a 90 day comment period, [6] which will conclude on January the 5th.

[7] Just to real briefly highlight the [8] purpose of the project. The purpose of the [9] project really is twofold. One purpose is by [10] accessing the coal mines in Wyoming to [11] provide DM&E the financial base which it [12] would need to rebuild its existing rail line, [13] thereby continuing to provide service to its [14] shippers and increase its efficiency and [15] safety. The second purpose would be to — by [16] providing that additional access to the [17] Powder River Basin coal mines to facilitate [18] additional competitive access to the re-

gion's [19] coal resources and transport those throughout [20] the country.

[21] The alternatives that were [22] evaluated to meet that purpose were

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[1] Alternative A, the no action alternative, [2] Alternative B, which involved new rail [3] construction along generally the Cheyenne [4] River Valley in southwestern South Dakota and [5] into Wyoming. Alternative C, which was a [6] modification of Alternative B which removed [7] the alignment from the Cheyenne River to [8] avoid sensitive areas there. Alternative D, [9] which involved reconstruction of additional [10] sections of DM&E's existing line combined [11] with new construction of rail line parallel [12] to other existing rail corridors in the [13] region to facilitate access to the mines.

[14] Just to real briefly highlight some [15] of the things that were found during the [16] analysis, or some of the components looked at [17] in the DEIS. For the State of Minnesota, the [18] project would involve proposed reconstruction [19] of DM&E's existing line across the state. [20] There were potential constructions evaluated [21] for the communities of Mankato, Owatonna and [22] Rochester. There were three new rail yards

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[1] proposed for potential construction that were [2] evaluated.

[3] Some of the unique characteristics [4] that were identified in the State of [5] Minnesota, and there are more than these, but [6] this is just kind of a snapshot, included the [7] many communities found throughout the project [8] area, including those along both the existing [9] line and in the areas of new construction. [10] The many farms and farmers, again, along the [11] existing rail line and in areas of new [12] construction. The Mayo Clinic. Sensitive [13] riparian areas and wetlands throughout the [14] area. The flood control projects located in [15] the communities of Mankato and Rochester.

[16] In South Dakota, the proposed [17] project would involve potential new rail line [18] construction to access the coal mines. There [19] would be two new rail yards constructed. The [20] existing rail line was proposed for [21] reconstruction. Alternatives were evaluated [22] for new rail construction in the — excuse

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[1] me, in the Spring Creek area, the Hay Canyon [2] area, both in southwestern South Dakota, and [3] also around the community of Brookings.

[4] Some of the unique characteristics [5]

and concerns in the area included potential [6] impacts to Buffalo Gap National Grassland in [7] western South Dakota, many tribal issues and [8] concerns, ranchers and farmers located along [9] the line and throughout the state, including [10] along the existing line and in the new [11] construction areas, sensitive riparian areas, [12] particularly those along the Cheyenne River, [13] impacts to the Angostura Irrigation Project, [14] many communities along the line, both the [15] existing line and the proposed alternatives [16] for new construction. the potential impacts [17] associated with either rehabilitation of [18] DM&E's existing bridge at Pierre, over the [19] Missouri River, or the construction of a new [20] bridge at that location.

[21] In Wyoming, the proposed project [22] would involve potential new construction of

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[1] rail line to access the coal mines. There [2] would be one new rail yard constructed as [3] part of the project. There were alternatives [4] evaluated to access the Black Thunder Mine [5] and the North Antelope Mine.

[6] The unique characteristics [7] identified included impacts to Thunder Basin [8] National Grassland and the many ranches and [9] ranchers throughout the area.

[10] Now, in conducting the analysis it [11] was determined that the project would have [12] significant impacts to a variety of [13] environmental resources. Not all of the [14] project components would have significant [15] impact on all of these resources. However, [16] due to one or more projects, all of these [17] resources would in some fashion be [18] significantly impacted. These resources [19] included safety, and that pertains primarily [20] to rail highway at-grade crossing safety, [21] geology and soils, water resources, wetlands, [22] paleontological or fossil resources, cultural

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[1] resources, including both archeological and [2] historic, threatened and endangered species, [3] land use, noise, air quality, environmental [4] justice, esthetics, socioeconomics and [5] cumulative impacts.

[6] One of the final things that the [7] Draft Environmental Impact Statement did was [8] discuss potential mitigation measures that [9] could be imposed should the project receive [10] approval that could minimize the impacts that [11] the project would have. These mitigation [12] measures generally were fairly general in [13] nature so that they could be applicable to [14] any of the alternatives that could be [15] selected should the project re-

ceive favorable [16] approval. So, in many cases these mitigation [17] measures could be considered best management [18] practices. Things like the use of silt [19] fences or straw bales to control erosion.

[20] Additionally, there are a number of [21] mitigation measures that require DM&E to [22] coordinate with state, local and federal

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[1] agencies throughout the project area to [2] develop ways and means and measures to [3] address their concerns or issues that they [4] had with the project, and thereby minimize [5] their concerns with the project's impacts and [6] effects.

[7] In doing all this, though, the [8] Board did recognize that a number of the [9] environmental impacts would be difficult to [10] effectively mitigate. So because of that, an [11] important part of this process is the request [12] by the Board for comments at this time on [13] what mitigation measures, specific mitigation [14] measures the people most affected by the [15] project, the agencies, and other concerned [16] parties, feel would be appropriate to [17] effectively mitigate the impacts of the [18] project.

[19] Finally, there were measures [20] outlined in the mitigation concerning the use [21] of negotiated agreements. These would be [22] agreements between groups, or agencies, with

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[1] DM&E that would be mutually agreeable between [2] the two parties to mitigate impacts of the [3] project and would be satisfactory to both [4] parties as adequate or effective means to [5] mitigate those impacts.

[6] Part of that process involved the [7] procedure whereby the communities, or the [8] interested groups, or parties, need to go [9] about submitting those agreements to the STB. [10] As part of that submittal, those agreements [11] can then be considered by the Board and [12] imposed as mitigation should the Board serve [13] to approve the project.

[14] So with that, I thank you for your [15] attendance, and thank you for your comments. [16] Charles.

[17] **MR. GARDINER:** Okay. A couple of [18] other additional items. Just to review [19] again. Oral comments, tonight, at this [20] meeting, written comments on the comment [21] sheets that you have, or a written statement [22] that you brought with you, or written

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[1] comments by mail. They will all be treated by [2] the team equally. the team will be reviewing [3] all of them and

responding to the substantive [4] comments on the documents in the Final EIS. [5] The Final EIS and the comments and the [6] responses to comments all goes before the [7] Board for their consideration in their final [8] decision.

[9] The major components, most of which [10] you just heard about, but just to touch on [11] those again, the Draft EIS itself, that [12] includes a couple of other things, the [13] Programmatic Agreement, which deals with [14] Native American issues, the Biological [15] Assessment deals with some of the threatened [16] and endangered species issues. So those are [17] some components of that that you may want to [18] comment on.

[19] As Tim talked about, the [20] Section 404 permit applications that relate [21] to wetlands and waterways, those are also an [22] element for comment tonight. Last, is the

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[1] proposed Forest Plan Amendments that relate [2] to the Forest Service's review of the [3] potential impacts of the project.

[4] So here's how we're going to [5] proceed. I'm going to take comments from any [6] federal or state elected officials who are [7] here. I'll take those comments first. then [8] we have a list of pre-registered speakers. [9] We'll take those in the order that people [10] registered. then, some of you may have signed [11] up when you came in tonight, if you were [12] interested in speaking, we'll take those [13] names next. Then, to the extent we have time [14] available for people who have spoken at a [15] previous meeting we'll take comments from [16] them.

[17] Again, the ground rules, in case [18] you missed those when we opened up, we've set [19] a time limit of three minutes. That's about [20] a page and a half at the most of written [21] statement. So you should be short and to the [22] point. If you could provide your name and any

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[1] group or organization you're representing, [2] the court reporter can capture that right at [3] the beginning.

[4] Again, summary points are useful. [5] Be concise. Please do leave us with your [6] statement so we can capture all of your [7] points in the record. Just one other thought. [8] Let's launch in. So as I understand it, is [9] Jim Vickerman here? Great. Okay. I think [10] you're the only elected official here, so [11] we'll start with you and then we'll get to [12] the rest of our list.

[13] **MR. VICKERMAN:** I'm State Senator [14] Jim Vickerman representing sou-

thwestern [15] Minnesota. I'm here to put my support to the [16] DM&E's application for the approval to [17] upgrade its rail line. The railroad is a [18] vital transportation link for Minnesota [19] farmers, reduces truck traffic on our county [20] roads, lowers the cost of transporting [21] production, more money in farmers' pockets, [22] strengthens rural economic development.

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[1] The DM&E provides a means for [2] getting crops to market. Today it provides a [3] route to the Mississippi River. Once [4] extended it will provide a route to the [5] Pacific Northwest. Rail shipping saves the [6] farmers 8 to 10 cents a bushel over trucks.

[7] Railroads like the DM&E take truck [8] traffic off our roads. Each hopper carries [9] three to four truck loads of commodities to [10] and from markets. The loss of a railroad [11] alternative would mean thousands of [12] additional trucks on county roads, especially [13] U.S. Highway 14, which is a two lane road. [14] The railroad carries major amounts of ag [15] input to farmers and other commodities to [16] market.

[17] Additional rail activity will mean [18] additional jobs for rural Minnesota. I [19] represent Tracy, Minnesota, born and raised [20] by Tracy, and grew up in an area that's [21] caused the annual Boxcar Days celebration. [22] We had the big hub in a railroad town. We had

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[1] seven restaurants, two major hotels, all that [2] went by the wayside and now we're down to the [3] DM&E. Thank the DM&E for at least coming in [4] and helping put a line together. What I did [5] watch over those years is the railroad — the [6] rails disappear. Torn down. So now we've got [7] to start back and put that track all back [8] together.

[9] Our community, Tracy, has signed a [10] Community Agreement with the DM&E to improve [11] safety while increasing the number of trains [12] through town. The Tracy citizens are eager [13] to get this project going. On behalf of the [14] citizens of western Minnesota, I encourage [15] early approval of the DM&E application. We [16] need this line. We must not let it die. We do [17] not want to be destroyed by people who don't [18] use it, and I don't appreciate — and don't [19] appreciate the importance to us. This is a [20] major, major lift for rural Minnesota. [21] Restricting ag in my district and we need to [22] move our markets. Our products to our

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[1] markets. Thank you very much for allowing me [2] to testify.

[3] **MR. GARDINER:** Thank you. Let me [4] just check. Are there any other state or [5] elected officials who have come? Okay. I'm [6] going to give the first three people that — [7] so if you can get ready to go. Ron Goodrich. [8] Are you here? Okay. Ryan Austad? You're [9] here. Okay. H. Smith. Okay. Great. I'll [10] give you about a 30 second warning when [11] you're, when you're coming in to close.

[12] **MR. GOODRICH:** Good evening. My [13] name is Ron Goodrich. I live in North Mankato [14] and own two businesses, GCS Properties and [15] Goodrich Construction. They are located [16] at 1700 Third Avenue and adjacent to the [17] railroad right-of-way at that intersection. [18] Our all masonry building is approximately 50 [19] feet from the existing tracks. We already [20] experience appreciable noise and vibration [21] with the current railroad activity.

[22] With the proposed overpass at this

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[1] crossing, most of our access and visibility [2] will be eliminated. Additionally, I feel the [3] market value will be greatly diminished. I [4] purchased the property with an existing spur [5] line. Since it's been out of use for a number [6] of years its condition is questionable. [7] However, it is viewed as an asset with the [8] possibility of it being used by a future [9] tenant or myself. I recently turned down an [10] opportunity to do a passenger car restoration [11] project because of the questionable status of [12] the spur line.

[13] I have great concern about the [14] future of the property and what opportunities [15] there will be to negotiate for compensation [16] in the event the M-3 alternative with the [17] overpass is chosen and how will I identify [18] appropriate mitigation as you have asked.

[19] The DM&E expansion project is one [20] that has been analyzed, reanalyzed, and [21] agonized over by communities all along the [22] route for over two years. In the early stages

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[1] of this process, Mr. Scheiffer persuaded [2] communities all along the route, including [3] ours, to enter into a Community Partnership [4] Agreement. After considerable analysis, our [5] Partnership Agreement was found to be grossly [6] deficient in defining the true mitigation [7] issues with the through city route. Very few [8] concrete proposals were made to mitigate [9] noise and vibration. no consideration at all [10] was given to the flood wall issue.

[11] To their credit the Mankato City [12] Council withdrew from the Agreement that they [13] felt inadequately addressed

our concerns with [14] the through city route. However, as long as [15] the M-3 alternative is under consideration, [16] we will continue to search for answers to the [17] vast number of questions we have. We [18] sincerely hope our concerns will be [19] specifically addressed in the EIS process.

[20] Some of the general questions I [21] have are: Was an alignment with existing [22] interstate general highways ever considered?

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[1] Secondly, with the two major railroads [2] already serving this coal market, how did the [3] STB justify the need for this project [4] initially? Number three, what is the [5] likelihood the necessary regulatory changes [6] will occur to allow a true whistle-free [7] status? Number four, will the DM&E be [8] limited to 100 million tons of coal annually [9] in the final approval process? Number five, [10] what is the mechanism for those suffering [11] lost quality of life or property value to be [12] compensated? Number six, will state or [13] federal money be used to cover all or part of [14] the mitigation costs, and, if so, why should [15] the taxpayers subsidize this private [16] enterprise? Thank you very much for your [17] time.

[18] **MR. AUSTAD:** My name is Ryan [19] Austad, college student here in Mankato. I [20] know, at least for one, following an election [21] year, I know the role that money plays in [22] government nowadays and of our elected

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[1] officials. I for one am very concerned about [2] the DM&E coal train coming through Mankato, [3] simply because I used to be a resident.

[4] **SPEAKER:** Can't hear you.

[5] **MR. AUSTAD:** I'm sorry, I'll speak [6] up. I used to be a resident down in the [7] Sibley Park area. I'm not quite sure how many [8] trains went through at the time, but I know [9] that it was enough to, you know, be a danger [10] to the children that were there at the time. [11] You know, me being one of them. You know, [12] hopping on the train, jumping off as it went [13] by.

[14] I guess what I'm concerned at, now, [15] is, I guess I'm probably going to sound like [16] an idealist, but I'm concerned that I have [17] to — to try to sway government officials to [18] do something that, to me, would be an offend [19] to American citizens, something — because I [20] think if you took a majority of the, you [21] know, a poll of the majority of the people in [22] Mankato, they don't want it to go through. I

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[1] think that's what is most important here.

[2] You know, I think I want my [3] government to be a watchdog for me and for my [4] fellow citizens and not for big business. I [5] mean, I may be a naive person in the whole [6] role of it, but I don't see the Surface and [7] Transportation Board protecting me and my [8] family and the fellow residents in my area, [9] watching out for us. I see it more as a — as [10] a safeguard for DM&E. That's what concerns [11] me most is that I have to be here to even try [12] to convince you government officials that we [13] don't want it. Number one. I mean, that's [14] your role, is what I understand it, is that [15] you're supposed to be there for us, not for [16] DM&E and any other large corporation. This [17] is going to cause a big disruption.

[18] I read in the Environmental Impact [19] Statement something about a black — or a [20] black footed ferret, and I mean that's all [21] well and fine, but there are a lot of people [22] that live along this rail line. A lot of

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[1] people live right on the side of this thing [2] and they're going to be taken advantage of. [3] I went around the community and found out [4] that DM&E is offering these people piddly [5] amounts of money for what their land is [6] actually worth. Now, there's a man that — [7] he wants to settle down there. That's where [8] he wants to live for the rest of his life. [9] He's happy with it. But the DM&E is going to [10] offer him money — I don't know what it's [11] called — eminent domain and they want him [12] out so they can construct the new lines and [13] he doesn't want to move. He doesn't [14] understand that he can't. I guess nowadays [15] it's — you can't do that no more. I'm [16] very — I'm just very concerned that I'm not [17] being watched out for by my government [18] officials. I guess if I can just reiterate [19] that. That it just seems that like you guys [20] are more concerned for the private interests [21] instead of the public. I'll pass. Thank you.

[22] **DR. SMITH:** I'm Dr. Roger Smith. I

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[1] represent Mankato State, or Minnesota State [2] University and I am trained as a geologist.

[3] **SPEAKER:** Can't hear you.

[4] **DR. SMITH:** Okay. Here we go. [5] Where is this thing. I'm trained in landscape [6] architecture, urban design, and urban [7] planning.

[8] **SPEAKER:** We can't hear you.

[9] **DR. SMITH:** Well, turn the mike up.

[10] **MR. GARDINER:** Okay.

[11] **DR. SMITH:** The area that I'm [12] focusing on is the flood wall. There are [13] several areas that are concerned about flood [14] control. But the section that I'm going to [15] use is the flood section known as H-H, which [16] is at the depot. This section of the flood [17] wall is built on an unconsolidated fill from [18] some 70 feet above the bedrock. This fill [19] material that supports the wall on the [20] inside, or the city side of the wall, is [21] mostly excavated soil, rock, and debris, and [22] construction or demolition detritus that was

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[1] excavated from buildings and base-ments from [2] the turn of the century of construction in [3] Mankato. No dynamics, seismic, and the [4] infield dynamic soil testing has been [5] conducted, so there is no real data to [6] determine the soil's true physical [7] characteristics.

[8] Sands and sandy soils such as are [9] shown on this diagram under the stress of [10] hypersaturation during flood would undergo [11] pressures in excess of 2,000 pounds per [12] square foot at the base. These pressures, in [13] concert with the harmonic vibration of 9,000 [14] plus feet of railroad cars numbering upwards [15] to over 150 individual loads with 30 tons of [16] coal per unit pulled by as many as five 40 [17] ton locomotives traveling at 35 to 45 miles [18] per hour every 45 minutes, day and night, [19] could create the scene for a disaster.

[20] The combination of hydrostatic [21] pressure and vibration could result in a [22] condition known as liquefaction of soil

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[1] materials. Under normal circumstances, these [2] materials would remain consolidated, but with [3] the added DM&E railroad vibrations a series [4] of mini seismic events could occur deep [5] underground. The water pressure and the [6] vibration could result in the individual [7] particles of sand and clay to lose their [8] cohesive structural character and become not [9] unlike a slurry of mud could result in what's [10] commonly referred to by the Corps of [11] Engineers as a blowout.

[12] Such a blowout would weaken the [13] subsoil and undermine the sheet pilings [14] resulting in a loss of structural integrity [15] in the flood wall itself. This would occur [16] as the result of subsoil support and forced [17] outward and upward along a zone of [18] discontinuity. The explosive burst of water [19] surging through the void it created would [20] quickly flood much of lower or down-

town [21] Mankato. The extent of such flooding would [22] be a function of the depth of the water.

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[1] Another possible effect could be flooding [2] created by the tipping of the walls inward. [3] Yet another one could be the — you blew my [4] continuity. But the key ingredient here is [5] that serious testing of the walls and the [6] subsoils and its supporting structure and its [7] associated land use adjacent to the wall must [8] be accompanied before — or accomplished [9] before any further consideration is given to [10] Alternative M-3.

[11] **MR. SYVERSON:** Would you please put [12] that transparency with the green border up? [13] I would like the people at the table to see [14] that, please.

[15] I want to state that the old [16] pattern of taking freight train and [17] automobile traffic directly through populated [18] areas is really no longer the norm in the [19] world. The impacts of noise, pollution, [20] dirt, and traffic congestion dictates that [21] bypassing by any means whatsoever is the [22] modern day approach and the one that makes

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[1] the most sense.

[2] In Mankato, we have gone to a lot [3] of difficulty to bypass the city on the north [4] and the south already relative to highways. [5] In most modern cities where I have traveled, [6] and I have traveled all over the world, most [7] city centers are now being bypassed so they [8] remain uncluttered. We would like a vibrant, [9] quiet, open and relatively uncluttered [10] central city, and having 40 to 100 freight [11] trains coming through each day is just in [12] total conflict with that idea.

[13] The noise impact alone of that many [14] trains coming through town is unacceptable. [15] No noise studies have been made at all on the [16] west side of the river on the North Mankato [17] side of the valley. The populated bluffs on [18] both sides of the river are like sounding [19] boards for noise that is naturally channeled [20] up from the river valley and it's impossible [21] to mitigate.

[22] Now, let me focus on the real

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[1] significant threat that this rail expansion [2] represents to the existing and very [3] important 100 million dollar flood control [4] system that runs just within a few feet of [5] the M-3 route. The soils under this railroad [6] and in that line are very erratic and because [7] much of that soil was man-made fill, put in [8] there years and years ago, and the initial [9] study that was made in your Draft EIS

depends [10] on some 20 to 30 year old soil samples, and [11] that is just totally inadequate.

[12] On October the 12th, 1999, there [13] was a report prepared for the DM&E by a David [14] Rudick, and in it he states that the [15] computations as they exist are really totally [16] insufficient and that there needs to be much [17] more on-site dynamic data taken. I have on [18] the Board, and I don't have time to go [19] through that, but these are the kinds of data [20] which really needs to be collected under [21] dynamic conditions on the railroad line as it [22] passes the flood wall. This is an extensive

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[1] kind of data collection. It will take a long [2] time. It is going to be very costly, but it [3] needs to be done if the M-3 route is even [4] going to be considered at all.

[5] The current analysis, in addition, [6] uses earthquake seismic analysis, and that's [7] just not accurate for this kind of a [8] location. So what I'm saying is that what you [9] have in your hands with the DEIS is totally [10] inadequate. I have given you three [11] significant reasons for not choosing the M-3 [12] route through Mankato. The most significant [13] being the potential threat to what is the [14] extensive U.S. Taxpayer paid for flood [15] control system in Mankato. Thank you very [16] much.

[17] **MS. LANGSJOEN:** Hi. My name is [18] Gail Langsjoen. I live at 207 North Sturgis [19] in LeHillier, which is a prestigious West [20] Mankato. Okay? It's a low income [21] neighborhood. I feel like I'm coming out.

[22] **SPEAKER:** Can't hear you.

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[1] **MS. LANGSJOEN:** I'm poor. I am a [2] low income woman. I have seven children. My [3] home is within 300 feet of the proposed [4] through city route. I would like to share for [5] those of us who don't know a couple of things [6] from Environmental Justice 1996. "The terms [7] environmental justice and environmental [8] equity refer to policies and practices by [9] which existing environmental inequities can [10] be corrected and prevented in the future."

[11] I'd like to also read from [12] Executive Presidential Order Number 12898, [13] Section 1, dash, 1, specifically, Agency [14] Responsibilities in 1, dash, 101. "To the [15] greatest extent practicable and permitted by [16] law and consistent with the principles set [17] forth in the report on the National [18] Performance Review, each federal agency shall [19] make achieving environmental justice part of [20] its mission by identifying and addressing as [21] appropriate disprop-



ortionately high and [22] adverse human health or environmental effects

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[1] of its programs, policies and activities on [2] minority populations and low income [3] populations in the U.S. and, you know, its [4] territories."

[5] I would like to say that in my [6] opinion this entire process has been in [7] violation of the notion of environmental [8] equity and justice. Specifically, I would [9] like to comment that the response period is [10] absolutely inadequate. I work eight hours a [11] day, not on this sort of issue. I work eight [12] hours a day managing a homeless shelter. I [13] work another four to six hours a night taking [14] care of my family and my children and my [15] home, which leaves me limited time. If any of [16] you perhaps have heard stories from low [17] income people, you will know that low income [18] people live under stressors which often times [19] precludes their ability to devote the kind of [20] time and attention this Board perhaps is able [21] to commit to this issue. By that virtue, I [22] believe this entire process violates the

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[1] spirit of environmental justice.

[2] We need more than a 90 day comment [3] period. I would like to request your [4] consideration of at least six months to [5] provide the populations who will be impacted [6] most severely, in many cases, an adequate [7] time to not only read a fair — a very poorly [8] constructed document, I believe. It's [9] difficult — I'm college educated, but I'll [10] tell you what, it was a very difficult draft [11] to follow. Many things were repeated. [12] People — we jumped around. The Table of [13] Contents should be brought to your attention [14] as not even correct.

[15] I would like to say that we need [16] more time to give an adequate response to [17] this very, very hefty but poorly drafted [18] document. Thank you.

[19] **MR. MEYER:** My name is Richard [20] Meyer, and I live at 1627 North Second Street [21] in Mankato. Although the Draft Environmental [22] Impact Statement says that the downtown route

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[1] through Mankato is not the preferred route, I [2] remain skeptical and worried about just where [3] this train will go and how it will negatively [4] affect our quality of life.

[5] In particular, air quality issues [6] concern me. I'm especially bothered by the [7] emissions called nitrogen oxides. Since 1970, [8] the Environmental Protection Agency has [9] tracked the emissions of the six principal [10] air pol-

lutants. According to its studies, [11] the emissions of all these pollutants have [12] decreased significantly except for nitrogen [13] oxides, which have actually increased 10 [14] percent over this period.

[15] According to the EPA, nitrogen [16] oxide is one of the main ingredients involved [17] in the formation of ground level ozone, which [18] triggers serious respiratory problems. [19] Nitrogen oxide also contributes to the [20] formation of acid rain, contributes to the [21] deterioration of groundwater quality, and [22] contributes to the atmospheric particles that

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[1] cause visibility impairments.

[2] An article in the October 17th [3] issue of USA Today reported on a recent EPA [4] study. The article says, quote, "Within the [5] next few months the Agency is expected to [6] declare that diesel exhaust is a likely human [7] carcinogen." The major source of nitrogen [8] oxide pollution is diesel fuel exhaust, and [9] that's exactly what we get from locomotive [10] engines which are a primary contributor of [11] diesel fumes.

[12] It is precisely the amount of these [13] emissions that is so disturbing in the recent [14] SEA report. The charts and printed in [15] Volume 2, Chapter 3 of the SEA report, [16] summarize the emissions of the six principal [17] air pollutants tracked by the EPA. According [18] to your own charts, they bear out the immense [19] and harmful increases in nitrogen oxides if [20] this coal train comes through.

[21] In the report, the SEA used the [22] Environmental Protection Agency's thresholds

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[1] for emission levels. The threshold number [2] for nitrogen oxides is 100. That's the key [3] figure. That's the threshold number. [4] According to the tables provided in [5] Section 3.2, in the air quality report, the [6] nitrogen oxide emissions for Blue Earth [7] County will be 189 at 20 million tons of coal [8] shipped, 422 at 50 million tons shipped. [9] And 806 for 100 million tons shipped. Those [10] amount to two times, four times, and eight [11] times the EPA threshold for 100 level [12] thresholds. I think these emissions are [13] alarming and should cast serious doubts on [14] the validity of this entire project. a quick [15] final comment, I don't think the Commission [16] has taken into consideration that this city [17] is in a valley, and I do not think the air [18] quality studies show how those emissions will [19] be affected being in a river valley. Thank [20] you.

[21] **MR. SOLEY:** Some tough acts to [22] follow here. My name is Steve Soley, 303

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[1] Hubbell Avenue. I have lived on Hubbell [2] Avenue for over 30 years, and I am a proud [3] supporter of the Mankato Area Coal Train [4] Coalition.

[5] I'm here to discuss my views on [6] vibration, noise, and the flood walls. Noise [7] studies were recently completed this past [8] year. Federal decibel levels exceed the norm [9] for Mankato, with decibel levels of 72 to 75, [10] and the maximum acceptable base federal level [11] of 65, this indicates that the noise level is [12] unlivable.

[13] With one and a half mile length [14] tracks hauling large coal tonnage at 40 to 45 [15] miles an hour, this will vibrate my property [16] and house so severe I will not be able to [17] live nor sleep in this house. Regardless of [18] what DM&E says regarding the new ribbon rail [19] line, anything moving that fast with that [20] tonnage involved will make significant [21] vibrations.

[22] Mankato is on a floodplain. I have

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[1] been displaced by the flood of 1965, and I [2] watched the river rise surprisingly high in [3] June of '93. I have many concerns about the [4] potential damage the vibration will have on [5] the walls. Why do I have to purchase flood [6] insurance on my property when DM&E shows [7] little regard about the flood walls here in [8] Mankato? Where is the assurance from DM&E [9] that they will not damage or harm our [10] protective flood walls? I see no economic [11] benefit for Mankato. Myself, my property [12] would become unlivable.

[13] Lastly, I feel that the Surface [14] Transportation Board comment deadline should [15] be extended an additional 90 days due to the [16] large amount of information that needs to be [17] studied and clarified for public concern. [18] Ninety days is not enough time. I thank you [19] for your time and efforts.

[20] **DR. SCULLIN:** I'm Michael Scullin, [21] professor of anthropology at the Minnesota [22] State University. My concern is at one very

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[1] localized aspect. This is an archeological [2] complex immediately to the northwest of [3] Mankato by about 15 to 18 miles. This is the [4] Cambria focus. I just returned from a [5] symposium this last weekend dealing entirely [6] with, with this focus about which relatively [7] little is known.

[8] Two years ago, a goodly portion of [9] this — one of the sites, in fact, the prize

[10] site was seriously damaged by the DM&E which [11] came and basically scooped out most of the [12] major features of the site and used it for [13] fill. No attempt whatsoever was made to [14] verify that there was a site in the area.

[15] The Cambria site itself is [16] immediately down river about two miles or so. [17] is the type site for this focus and probably [18] the first occupation. Many, many, many [19] questions exist about the Cambria site. [20] Where did they come from? What are the dates [21] of occupation? Very little work has been [22] done there. The last excavations were done

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[1] over 60 years ago. Why was it abandoned? [2] What are the dates? Nobody knows at this [3] particular moment in time. What is the [4] potential impact of the DM&E?

[5] Well, the Cambria site actually [6] intrudes into the existing right-of-way. In [7] the event of adding additional tracks, with a [8] very high probability of doing that, cutting [9] into the bank would be probably the least [10] expensive and it would provide fill also for [11] the north side, which is a swamp. Did the [12] DM&E do an adequate archeological survey? I [13] have some very serious doubts. I was [14] speaking — when I was up at the conference, [15] I was speaking with an archeologist who was [16] working for the company which did the [17] archeological survey and he suggested to me [18] that some of the work that they were doing [19] was, shall we call it, ethically compromised. [20] I caution anyone working with the DM&E.

[21] **MR. IDSO:** My name is Bob Idso. I [22] thank you for letting me speak tonight. I'm

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[1] from St. Peter, Minnesota. For the past 20 [2] years I have been involved with the local [3] conservation group called Save the Kasota [4] Prairie. I currently am secretary and Board [5] member of that organization.

[6] I just want to talk tonight for a [7] minute about prairies. Before the white man [8] came to this area, Minnesota had more than 18 [9] million acres of prairie. Most of that [10] original 18 million acres is now under the [11] plow, or covered with roads, and towns, [12] people, asphalt. Only a small fraction of the [13] prairie remains, and some of us are working [14] very hard to preserve what's left.

[15] In the case of the Kasota Prairie, [16] a group of us have spent the last 20 years to [17] save about 100 acres of prairie just north of [18] here, which we have accom-

plished, but it [19] hasn't been easy. As you know, railroad [20] right-of-ways contain some of the best [21] remnants of prairie, and this is true of the [22] DM&E line. There are more than 400 acres of

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[1] native prairie within DM&E right-of-way in [2] Minnesota, and I assume that there's much [3] more in South Dakota and Wyoming. So this is [4] a significant remnant of prairie and it would [5] be a real shame to see it destroyed.

[6] There's no doubt that it would be [7] destroyed if the proposed expansion of this [8] railroad is allowed to proceed. Virtually [9] all of this remnant of prairie would be [10] destroyed or disturbed if the project goes [11] forward. The DM&E Draft Environmental Impact [12] Statement contains a paucity of information [13] about how this could be mitigated. The [14] document they have submitted has very little [15] meaningful information about the prairie [16] remnants in the right-of-way. These people [17] need to address this question. It seems to [18] me it's the job of the Surface Transportation [19] Board to see to it that DM&E tells us what [20] will happen to the prairie that's in their [21] right-of-way if they're allowed to proceed [22] with this expansion.

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[1] In fact, I believe they've said so [2] little about it because they know what will [3] happen to it, it will be destroyed. All of [4] this is just a bunch of grass and weeds, I [5] think, to them. It will be ground up under [6] the backhoes and the bulldozers. So, I just [7] think this is one more reason why this [8] redundant rail line should not be built. [9] Thank you.

[10] **MS. KOENIGS:** My name is Judy [11] Koenigs. My husband and I have been [12] residents of Eagle Lake for 35 years. It has [13] been a wonderful place to live. The DEIS has [14] been very confusing to me because of length, [15] no index, no vibration studies, and incorrect [16] maps. [17] People live and work along the [18] proposed routes. They have a right to know [19] if they will be affected. I request a new [20] DEIS using the 2000 census and a hard look at [21] people's rights along the proposed rail. The [22] DM&E is private business asking us to help

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[1] them gain profit. We are asked to sacrifice [2] our quality of life by decreasing our [3] property values and safety of our children [4] and increasing delays in the emergency [5] response times and travel. Our payment is [6] more stress, noise, and diesel fuel pollution [7] which contributes to health issues that [8]

cannot be mitigated.

[9] I further request a 90 day comment [10] period extension. I have yet to see the [11] comment — the Corps of Engineers study. [12] Access to this information is difficult and [13] time confusing for those of us who wish to be [14] responsible to our future generations. I [15] believe our comments provide much needed [16] information for you, the STB, to make an [17] informed decision.

[18] A question regarding the use of the [19] East Staging and Marshalling Yard, 3.5.3.3, [20] what will this be to trains when entering [21] from the west and east at Eagle Lake's five [22] crossings which bisect our town? How much

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[1] longer will they take if they will be using [2] this east yard? Will there be delays for [3] assembling and disassembling trains which can [4] tie up County Road 56, Third Street, Center [5] Street, Agency Street, or County Road 17? [6] Three county roads which offer us access to [7] new Highway 14 will be blocked if this rail [8] is used, while two other roads and rail [9] intersections allow residents access within [10] the city. This is a nightmare for emergency [11] response, children crossing to school, and [12] accessing the businesses along County [13] Road 17. If this passes, we will have a new [14] sport in town, timing our life to trains.

[15] I find this issue to be insulting [16] to the public. It implies we have no recourse [17] but to accept eminent domain. If another [18] railroad decides it wants to come through our [19] town, do we have to repeat this process? [20] History tells us we the people help the [21] railroads thrive. Without people they would [22] have perished. The government land given to

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[1] people to settle the West helped everyone to [2] prosper. This coal train will not offer [3] economic benefits to Eagle Lake. All the [4] cities along this track deserve better than [5] this. The clackety-clack of the trains of [6] yesteryear are not the same ones planned for [7] the future.

[8] I ask that the STB deny this [9] application because I believe it is flawed in [10] intent and purpose. This is about money, [11] power, and unnecessary competition. It's [12] about continuing down the path of yesterday. [13] Today demands a new vision and plan. Because [14] this rail expansion is the largest in [15] over 100 years should indicate a need to work [16] jointly with other agencies to create a new [17] vision and plan for surface transportation [18] that will include justice to the land, air, [19] water, and most



importantly people. If we are [20] to grow and prosper as a responsible nation [21] we must insist on decisions that encompass [22] the hidden costs of any enterprise such as

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[1] this expansion. If you lived along the [2] tracks, isn't that what you would expect?

[3] **MS. JOHNSON:** Can everybody back [4] there hear me? It's hard to hear in the [5] back.

[6] **MR. GARDINER:** You have to speak in [7] to the microphone.

[8] **MS. JOHNSON:** Yep. I understand [9] that. There are many things I would like to [10] address in the DEIS, but due to time [11] restrictions I'll limit my comments to the [12] area parks. I'm going to use one park as an [13] example. In Section 3.2.18, page 117, the [14] study states, "Although a wide variety of [15] opportunities are available, these [16] opportunities are only capable of [17] accommodating small numbers of people at any [18] given time." I would like to use Land of [19] Memories Park on the local soccer program, [20] which, incidentally, is not addressed in [21] Section 3.3.4.0, as one example of the need [22] to reassess the train's impact on area parks.

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[1] The soccer program here has grown [2] significantly in the past ten years. The [3] soccer fields are located in Land of Memories [4] Park. From April through November, the [5] fields are in constant daily use. Seven [6] hundred and fifty children are enrolled in [7] the program. this number swells to [8] roughly 2700 people when multiplied by the [9] average family size. Add to that number [10] additional tournaments for groups including [11] the Hispanic population, the camping [12] population, and the Native American powwow, [13] which is a yearly event, and you have a large [14] number of people using the park daily.

[15] To enter or exit the park one has [16] to cross the train tracks. With existing [17] train traffic, vehicles have been backed up [18] from the park access out to the highway [19] causing neighborhood congestion and serious [20] safety hazards to those exiting the highway [21] to access the park. Also, soccer is a high [22] impact sport. Safety vehicles would very

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[1] likely be blocked from the park with [2] additional train traffic and speed.

[3] In Section 3.2.118, paragraph 3, [4] the study states that "The small numbers of [5] users of these areas would seek more remote [6] or distant portions of the facilities." The [7] soccer fields and

campgrounds of this park [8] are compressed between the railroad tracks [9] and the river. The study leads us to believe [10] there are alternative distant or remote [11] portions of these facilities to be used when [12] in fact this park has no room to spare.

[13] On page — 3.2.118, the study [14] states, "The overall small number of users [15] along the existing rail line and expected [16] smaller number who would receive a [17] significant impact are expected to result in [18] the project having only minimal impacts to [19] recreation." I would like to counter the [20] study's assumption with a 1995 national [21] survey on recreation and the environment [22] conducted by the federal government. The

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[1] survey shows an increase in usage of parks [2] for recreation. A few examples would be [3] hiking up by 93.5 percent, walking up by 42.8 [4] percent, and bird watching, which is a — [5] we're at the confluence of three major [6] environmental regions, is up 155.2 percent.

[7] The train will directly impact at [8] least nine other parks and trails. The DEIS [9] does not adequately address the effects the [10] increased number and speed of trains would [11] have on the area parks and their users. It [12] does not address the money, time and [13] commitment that it has taken to build and [14] maintain these areas for the good of the [15] community. It does not address the cultural [16] gatherings that occur in these places. In [17] other words, the study does not take into [18] account the people that this decision will [19] affect.

[20] I am not submitting suggestions for [21] environmental mitigation because in my mind [22] to do so would be paramount to agreeing that

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[1] the expansion project should continue. I do [2] not believe the benefit of a complete upgrade [3] to an outdated railway system should take [4] precedence over the significant multiple [5] negative impacts that that upgrade would have [6] on citizens of the community. I would [7] encourage the Board to give this community [8] more time to review the DEIS. Six months [9] would be good.

[10] The study is correct when it states [11] this is a large and challenging proposal. [12] Because of this I encourage this Board to [13] take another look at this community, fill in [14] the gaps in their study, and issue a revised, [15] more comprehensive DEIS. Thank you.

[16] **MR. SPELLACY:** My name is Mike [17] Spellacy, 1730 North Second Street,

Mankato. [18] Last week I was elected to the City Council [19] of Mankato to represent the people living in [20] Ward II. This Ward is bisected by the [21] proposed M-3 or through city route.

[22] Needless to say, the proposed

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[1] expansion of the DM&E railroad is a very hot [2] topic. Reviewing the Draft Environmental [3] Impact Statement several thoughts come to [4] mind. Executive Summary, page 27, Section [5] E-3, dash, 29, states "That due to years of [6] deferred maintenance, much of the existing [7] DM&E rail system is in poor condition [8] allowing trains to progress at five miles an [9] hour on rails over 100 years old." The [10] question is, where are all the profits from [11] the railroad for the last 100 years and why [12] didn't the railroad take care of their [13] tracks? Executive Summary, page 14, Section [14] E-3, dash, 4 states, "According to the DM&E [15] it is unlikely to upgrade its existing line [16] because a no action alternative would not [17] provide the financial resources needed to [18] reconstruct its existing system." The [19] question is, why did not the DEIS consider [20] the Federal Railroad Rehabilitation [21] Improvement Financing Program? This [22] legislation provides some three point billion

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[1] dollars for direct loans and loan guarantees [2] to railroads to pay for necessary [3] improvements, thus making this whole project [4] unnecessary.

[5] Addressing more local concerns, the [6] DEIS has no specific information on the [7] impact of 37 coal trains to the city of [8] Mankato's flood control project. The failure [9] of this wall during a high water period would [10] cause million dollar's worth of damage and [11] possible loss of life, and as stated is [12] largely ignored by the Draft DEIS. The study [13] has covered bald eagles, fox, and sturgeon [14] chugs, but neglects the lives of human beings [15] in Mankato. The residents and businesses in [16] my Ward, along with the residents of the city [17] of Mankato, need the protection of the flood [18] wall to survive during high water and the [19] DEIS has done no testing or analysis to this [20] point.

[21] The second major local concern is [22] the impact of noise and vibration we will

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[1] have. In my best estimate, there are [2] over 5,000 people living within six blocks of [3] the proposed M-3 route through both Mankato [4] and North Mankato. According to the DEIS, [5] Chapter 3, pages 3.3 to 4.3 there are 229 [6] homes located within 500 feet of the

proposed [7] M-3 route. Many of these homes are owned by [8] lower to moderate income residents. [9] Running 37 unit coal trains through there [10] neighbor a day would make their lives a [11] living hell. Their property would become [12] worthless and their life savings obliterated.

[13] In conclusion, the only correct [14] choice you can make is to deny this project. [15] There is no need for a third rail carrier to [16] haul an 18th Century fuel 1,000 miles to an [17] outdated power plant. The worst possible [18] choice you could make is an M-3 or through [19] city route, with issues of flood wall [20] integrity, noise and vibration to over 5,000 [21] residents and unanswered safety questions, [22] the M-3 route cannot be considered a viable

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[1] choice.

[2] As stated in Table 3.3, dash, 10 in [3] Chapter 2 of the DEIS, there are 105 daily [4] school bus crossings to contend with on the [5] M-3 route. These are problems that mitigation [6] cannot solve, and therefore I ask the M-3 [7] option be abandoned.

[8] **MS. HAMER:** Nancy Hamer, Mankato. [9] The Mankato area Coal Train Coalition is [10] opposed to the use of Alternative M-3, the [11] existing in-city railroad corridor. We agree [12] with the DEIS that Alternative M-3 is not the [13] environmental preferred route. Our position [14] is that it should never become the preferred [15] route under any circumstances. We are [16] speaking in opposition to the M-3 route in [17] the event that the SEA should find it [18] necessary to revisit the question.

[19] Mankato was founded at the point [20] where the great Minnesota River makes a [21] dramatic 90 degree turn. The resulting [22] narrow corridor on each side of the river is

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[1] approximately six to eight blocks wide from [2] the river to the limestone bluff. The effect [3] is like a tunnel with no roof on it. [4] According to a consulting engineer, the sound [5] waves from increased and frequent train [6] horns, wayside noise, and squealing wheels on [7] the sharp curve could bounce off the bluffs [8] causing both the original noise and an echo [9] to reverberate. This would result in steady, [10] uninterrupted train noise as the sound [11] reverberates off the side of the so-called [12] tunnel.

[13] As you know, tonight we are in [14] North Mankato, Nicollet County, across the [15] river from Mankato and Blue Earth County. We [16] find it unacceptable

that in the entire DEIS [17] no mention is made of the City of North [18] Mankato, which has a population of [19] approximately 11,000 which should not be [20] ignored. Persons in North Mankato, as well as [21] in Mankato, already report being greatly [22] disturbed by train noise. The SEA should

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[1] identify the noise receptors and other [2] impacts on the North Mankato side of the [3] tunnel.

[4] We urgently request that the SEA [5] expand the scope of the DEIS to include North [6] Mankato in all aspects of a new draft of the [7] DEIS if the M-3 route were to be considered.

[8] Section 3.2.15 says that, quote, [9] "No impact to historic or cultural resources [10] are anticipated during operation of the [11] project," unquote. In Section 3.3.113, the [12] narrow definition of cultural resources [13] includes only archeological sites and [14] railroad structures in or adjacent to the [15] right-of-way. This definition is inadequate [16] and insensitive to the reality of the [17] situation. We request that the scope be [18] expanded to include the impact on cultural [19] resources which are important to people in [20] their daily lives. These should include [21] the 17 sites on the national register of [22] historic sites in Mankato and North Mankato

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[1] all in the valley. Four major public parks, [2] Reconciliation Park in memory of the [3] execution of 38 Sioux Indians, two city [4] government centers, civic center, county [5] courthouse, two public libraries, YMCA, [6] YWCA, 24 schools, three centers of higher [7] education, and no fewer than 27 churches. [8] Train impacts would adversely effect the [9] quality of life not only of the [10] approximately 43,000 residents of the two [11] cities, but also of the thousands of persons [12] who come to Mankato and North Mankato to work [13] and to use these many services. It would be [14] devastating to run an additional 37, 110 car [15] coal trains per day over and near the Mankato [16] flood control project and through these [17] historic cities and this fragile river [18] valley. Please do not ever approve the M-3 [19] in-city route. We urge you to withdraw the [20] M-3 route from consideration. Thank you.

[21] **MR. STENES:** My name is Mark [22] Stenes. I work with Mercury Waste Solutions.

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[1] Our corporate headquarters are about 150 feet [2] from the in-city rail line here in Mankato.

[3] I'm here today to speak in support [4]

of the Draft Environmental Impact Statement's [5] conclusion that the in-city route is not the [6] best alternative for the Mankato area. Our [7] local business communities certainly want [8] the UP and the DM&E to be successful in this [9] market. We're not blessed with the best [10] transportation network. The interstates are [11] a long way off. We have a four lane highway [12] with a lot of stoplights on the way to the [13] Twin Cities and that's about it. Railroads [14] are an important part of the overall [15] transportation network of south central [16] Minnesota. Provide a vital access to [17] national and world markets for our local [18] agricultural producers and manufacturers.

[19] But the citizens of this region [20] also want to protect the environment that [21] contributes to our quality of life. There's a [22] joke out here on the prairie that trees

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[1] belong in parks. if you had come to visit us [2] in the summer, you would have quickly [3] realized that this river valley is the park [4] for this area, because in the summer we're a [5] small oasis of trees surrounded by corn and [6] soybeans. There are currently about half a [7] dozen trains a day plodding through town at 5 [8] or 10 miles an hour. We seem to generally be [9] able to happily co-exist. Unless you're [10] relatively near the track, you may not even [11] notice them during the day. You can [12] certainly hear them throughout the night, [13] throughout the valley, and on the hilltops. [14] But many people seem to find the trains more [15] nostalgic than irritating or disruptive at [16] this point.

[17] A coal pipeline, however, through [18] the heart of this valley with over 30 trains [19] a day moving at 30 plus miles an hour, [20] blowing their whistles at eight to ten [21] crossings, would transform this train [22] nostalgia into a nightmare. There would be a

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[1] train every 35 or 40 minutes, around the [2] clock. It would take every train maybe 15 [3] minutes or so to pass through town. This [4] means virtually constant whistle and rail [5] noise 24 hours a day through the city.

[6] There have been concerns expressed [7] that the tracks pass through two of our [8] communities' major neighborhoods of [9] affordable housing. I believe and in fact [10] that if the coal pipeline comes through the [11] city there will no longer be a shortage of [12] affordable housing in Mankato or in North [13] Mankato.

[14] Railroads have been an incredibly [15] important part of this region's development. [16] The people of this com-

munity benefit from [17] these two railroads. If a plan can be [18] developed that contributes to the continued [19] viability of the railroads while preserving [20] our quality of life we have built here in [21] Mankato and North Mankato the community will [22] support the STB and the DM&E and the UP. But

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[1] almost no one in Mankato or North Mankato [2] will benefit from a coal pipeline running on [3] the in-city route. Finally, this whole [4] situation seems to rest on a relationship [5] none of us can control, the relationship [6] between the DM&E and the UP. I hope these [7] railroads understand that this is no longer [8] the open prairie of the late 1800s. People [9] live here now. Thank you.

[10] **MR. THIEM:** I'm Scott Thiem, North [11] Mankato. I have been following the issues of [12] the proposed DM&E rail line for well over a [13] year. In the public interest I feel the [14] overall impact, quality of life, far [15] outweighs the economic gains of the DM&E. I [16] will focus my comments on the topic of [17] recreation.

[18] As a person who likes to be [19] outdoors enjoying the abundance of recreation [20] our area has to offer, I feel I have a good [21] reason, in public interest, why the freeway [22] of coal trains must be stopped or moved

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[1] elsewhere to save our scenic, historic, [2] peaceful, beautiful, clean river valley. I'm [3] a member and past president of the Mankato [4] Paddling & Outings Club. I have worked hard [5] to promote the recreational opportunities in [6] our region.

[7] We have a wonderful bike trail [8] system that currently runs from Rapidan, five [9] miles south of Mankato, to Faribault, 40 [10] miles to the northeast. Plans are in the [11] works to eventually expand these trails to [12] extend all the way from Wisconsin to Iowa and [13] South Dakota. The trail system in our area [14] crosses over, parallels, shares right-of-way [15] with the proposed rail line in both the city [16] and the county. Please refer to the map here.

[17] We have many beautiful rivers and [18] lakes in our area. The Minnesota, Blue [19] Earth, and LeSuer Rivers about the proposed [20] rail line. These rivers are used by more and [21] more paddlers, fishermen, hunters, [22] sightseers, and, yes, again, swimmers in the

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[1] years to come. Our past governor declared an [2] initiative that would make Minnesota rivers [3] swimmable and

fishable by the year 2012.

[4] We have gorgeous parks that abut [5] the rail line. The City's Turtlelot, Sibley, [6] Land of Memories Park, the County's Williams [7] Nature Center and Minneopa State Park are [8] used by thousands of people each year.

[9] Is it in the public's interest to [10] have to go along with the new railway freeway [11] through our beautiful river valley community [12] just because they have an existing [13] right-of-way? We should be able to enjoy the [14] resources our community has developed over [15] the years without this new railroad [16] interstate in our backyard. We should be [17] able to bike our trails without the noise, [18] pollution, and safety concerns the coal [19] trains — concerns of the coal trains, not to [20] mention trying to get on the trail waiting [21] for a 120 car train to pass. We should be [22] able to fish, paddle, hunt, swim our rivers

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[1] and lakes without constant noise [2] disturbances, and not to mention the [3] cancerous fumes that will accumulate in our [4] river valley. We should be able to hike, [5] picnic, camp and enjoy the various events in [6] our parks without the thunder of heavy trains [7] and the ear shrilling whistles of [8] locomotives 50 times a day coming through our [9] parks.

[10] The DEIS states that "The increased [11] number and speed of trains could pose a [12] potential safety hazard to trail users. The [13] increased noise would occur in areas along [14] the trail crossings, particularly when trails [15] (sic) sound their horns." You should state [16] that the overall impact would generally be [17] restricted to short sections of trail near [18] the rail lines and only users in those [19] portions of the trail would be affected. [20] Look at the map you will see clearly that a [21] large portion of the trails, parks, rivers [22] are either in close proximity, adjacent to,

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[1] or intersected by the rail line.

[2] These educational — these [3] recreational opportunities are made use of by [4] tons of thousands of people each year. You [5] go on to state that "the impact of recreation [6] are — are expected to be localized and [7] generalized and restricted to few individuals [8] selecting to take advantage of opportunities [9] near the trail."

[10] **MR. GARDINER:** Please summarize the [11] rest of it.

[12] **MR. THIEM:** You say that [13] recreational use along the rail line is [14] scattered. Please look at the map. The DEIS [15] states that the impact to the individuals [16] engaging in various re-

creational activities [17] would vary. It says that to some it would [18] ruin their experience and cause them to seek [19] other areas for recreation. We in this [20] community have invested a great deal in our [21] trails, parks and rivers. I don't think we [22] suddenly have to pick up our gear and go

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[1] elsewhere. Thank you.

[2] **DR. GORDON:** My name is Dr. Don [3] Gordon. I am a professor emeritus at [4] Minnesota State University. I want to speak [5] for the plants today, and the animals.

[6] Minnesota is blessed with an [7] amazing rich diversity of living organisms [8] which consist of over 1800 vascular [9] plants, 600 vertebrates, and literally [10] thousands of invertebrate animals and [11] non-vascular plants. Despite this rich [12] diversity, this study chose to discuss the [13] possible impact of this project on just 20 [14] species which has federal status as [15] endangered, threatened, or are potential [16] candidates for federal status. Does this mean [17] that the other Minnesota species are [18] irrelevant? I think not.

[19] Minnesota biologist, Harrison [20] Tordow, has reminded us, "That extinction of [21] species, the silent crisis of our time, [22] diminishes our world." Minnesota has a

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[1] painful history of losing species by [2] exploitation of the environment and it is [3] imperative that we not repeat the mistakes of [4] the past. In retrospect, who would have [5] thought at the time of Minnesota statehood [6] that the Carolina parakeet, heath tin and [7] passenger pigeon would be annihilated in less [8] than a half a century. Who among the early [9] naturalists would have thought that the [10] whooping crane, the long-billed curlew, [11] Magallanes long spur and several other [12] species would be completely gone from [13] Minnesota by 1900.

[14] In 1981, the Minnesota legislature [15] mandated the Department of Natural Resources [16] to prepare a list of Minnesota plants and [17] animals whose populations were in jeopardy. [18] An expert advisory committee selected [19] over 300 species for this list and each [20] species was placed into a defined category of [21] endangered, threatened, or a special concern [22] as mandated by Minnesota Statute 84.0895. The

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[1] purpose of this list was not only to help [2] preserve the diversity and abundance of plant [3] and animal species in the state, but also to [4] alert biologists of

potential problems here [5] in Minnesota before problems became paramount [6] at the federal level.

[7] What is interesting about the Draft [8] Environmental Impact Statement is that there [9] is only a limited discussion concerning [10] possible impacts on Minnesota's endangered, [11] threatened, and special concerned species. [12] Also missing from the Draft EIS is any [13] mention of the most important book ever [14] published on Minnesota diversity and biology. [15] Failure to include the 1998 book, [16] "Minnesota's Endangered Flora and Fauna" [17] clearly indicates the Draft EIS is flawed and [18] incomplete. This book contains county [19] distribution maps for Minnesota species, [20] which are up there. Since the rail expansion [21] project proposes to traverse counties where [22] some of these species are located it is

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[1] imperative that we know if this project may [2] impact their existence.

[3] Next overhead. This is for the [4] plant species simply for Blue Earth County [5] that are in that threatened or endangered [6] category. The proposed rail expansion — next [7] one, please. The proposed rail expansion, [8] this is the animal one, is not important [9] enough to totally ignore Minnesota's [10] threatened, endangered, and concerned [11] species. When 22 percent of all plant and [12] animal species in the United States are [13] considered to be threatened or endangered, it [14] is irresponsible to consider approving a [15] male — a major rail project which traverses [16] hundreds of miles and yet considers only the [17] possible impact on just 20 species. The [18] Draft EIS is complete and does not present [19] sufficient evidence to support either the [20] Mankato route or the southern bypass. [21] Clearly, the most environmentally preferred [22] alternative would be the no action

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[1] alternative. This should not be approved.

[2] **DR. LIEBENDORFER:** My name is Dick [3] Liebendorfer. I'm on the faculty of [4] Minnesota State University. I teach [5] philosophy. I have a PhD, but even I am not [6] an expert in any of the fields covered by the [7] DEIS. I had never before read a DEIS, and [8] since like most people I work full time, I [9] have had little opportunity to read the DEIS. [10] It seems to me to be irresponsible to [11] provide 90 days for citizens to respond — [12] study, digest, and respond to a document that [13] has taken experts a couple of years to [14] create. I ask that you extend the response [15] time to at least six months and preferably [16]

longer. An additional six months might be [17] reasonable.

[18] Moreover, even to a layman like [19] myself who has had little time to study the [20] document, too many important questions seem [21] not only not answered, but not even asked. I [22] think you should go back to the drawing Board

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[1] and compose a new, more comprehensive draft.

[2] I live four blocks from the tracks. [3] I am repeatedly awakened at 4 and 5 in the [4] morning by the sounds of trains. This time [5] of year with windows closed and storms up it [6] is mostly whistles. During the summer, with [7] windows open, it's just the sound of engines [8] and squeaking wheels as the morning wake-up. [9] But if the project is built, no one in the [10] valley is going to get any sleep. The Draft [11] identifies noise as an environmental impact, [12] but what are the impacts? How many children [13] will be awakened how many times during the [14] night? How will this affect their [15] performance in school? How much will the [16] sleep of everyone be affected? How will it [17] affect the performance in the workplace? How [18] much will increased noise affect the use of [19] parks and recreational facilities through [20] which or adjacent to which the trains will [21] run? How much will the increased noise [22] affect property values? How will increased

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[1] noise affected the desirability of the [2] community as a place to live? To what extent [3] and over what period of time will residential [4] communities become slums? How will this [5] affect the overall economic health of the [6] community?

[7] These questions are not even asked, [8] let alone answered. It is as if you expect [9] ordinary citizens with little expertise and [10] full-time jobs to do your work for you. I [11] raise some similar questions about air [12] quality, but would just repeat things that [13] have already been said. So I want to jump to [14] pointing out that in spite of the fact that [15] the DEIS points out that air quality and [16] noise are significant environmentally, that [17] little mitigation is proposed and this seems [18] by design. You say in the DEIS that you are [19] not proposing any mitigation because of [20] Community Partnership Agreements and they [21] will overrule any mitigation that you might [22] otherwise have provided. But you need to

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[1] know that these so-called partnership [2] agreements have anyway very often been [3] extorted from communities by

threats by the [4] DM&E.

[5] For example, the April 26, 1999 [6] Mankato City Council minutes recorded [7] Mr. Scheiffer as taking this position: "If [8] the City doesn't enter into a Community [9] Partnership Agreement, DM&E will perform only [10] what they are required to do by law." In a [11] column in the Mankato Free Press in [12] November 1999, Scheiffer, in response to [13] opponents of the agreement says, "Be careful [14] what you ask for. You might get it. Those [15] who throw stones at the Agreement might well [16] be served to contemplate the quality of life [17] without it." By encouraging these agreements [18] and then declining to order mitigation, the [19] STB has at least implicitly supported such [20] extortion. Such behavior is morally beneath [21] the treatment that citizens are entitled to [22] expect from their government. The City of

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[1] Mankato has withdrawn from its agreement with [2] the DM&E, but this does not excuse the [3] support that the STB has provided for [4] railroad thuggery.

[5] If the project is allowed to [6] proceed, and I don't think it should be [7] allowed to proceed, there is a growing body [8] of evidence and expert opinion that we need [9] as quickly as possible to move away from coal [10] generated electricity. I do not think it is [11] in the national interest to burn fossil [12] fuels. But if the project is allowed to [13] proceed, the STB cannot excuse itself from [14] ordering serious and substantive mitigation. [15] For whatever extent and whatever respects you [16] think this project is in the national [17] interest, the livability of communities is [18] also in the national interest, and that [19] livability will be seriously compromised by [20] this project. You have an obligation — I [21] believe you have a moral obligation to ensure [22] that the railroad does not destroy the

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[1] livability of communities that it crosses.

[2] **MS. DOWD:** Good evening. My name [3] is Mary Dowd. I'm a resident of Mankato. [4] It's often said that quantity doesn't ensure [5] quality. The DEIS is certainly proof of that. [6] Particularly distressing is the pitiful [7] analysis of environmental justice issues. As [8] others tonight have noted, the DEIS showed [9] more concern for the black footed ferret and [10] other such weasels than environmental justice [11] communities.

[12] Historically, low income and ethnic [13] minority neighborhoods have been

burdened [14] with society's pollution resulting in their [15] higher rates of cancer, birth defects, and [16] respiratory illness. In '94, Clinton issued [17] a federal executive order to protect these [18] disadvantaged communities.

[19] The DEIS identified 24 census [20] blocks as potential environmental justice [21] communities in Minnesota, page 3.1. Eleven [22] are located in Blue Earth County. The actual

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[1] number is likely to be even higher, because [2] the 1997 census, where data was used, even [3] though Mankato is far more culturally diverse [4] today. With skyrocketing housing costs, [5] affordable housing is now concentrated in the [6] valley. Statistical formulas aside, a simple [7] drive around Mankato will tell you there are [8] more lower and moderately priced houses and [9] rental units near the railroad corridor.

[10] In violation of the same executive [11] order, the DEIS made little or no effort to [12] notify our environmental justice communities. [13] They sent notices of the availability of the [14] DEIS to six groups they claimed served the [15] local population. Four of these agencies [16] were located in the Twin Cities. Apparently, [17] they didn't even bother to check the local [18] phone book for listings of our many social [19] service agencies. They also — they also [20] overlook the many multi cultural leaders and [21] organizations within the diverse Minnesota [22] State University community. The DEIS

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[1] encouraged DM&E to develop specific [2] partnership agreements with environmental [3] justice communities to mitigate. To my [4] knowledge, CEO, Kevin Scheiffer has made no [5] effort to dialogue with these residents [6] around the route. This is especially [7] troubling since these communities may [8] disproportionately feel the effects of a [9] failed, aging flood wall. How will we expect [10] small children and senior citizens to escape [11] in the middle of the night in the event of [12] saturation, liquefaction quickly and rapidly [13] flooding homes and streets?

[14] Apparently, this is not the first [15] time the EPA has failed to honor the spirit [16] of the '94 order. Studies conducted by the [17] National Law Journal of '92 concluded there's [18] ample evidence that the EPA and other [19] agencies have consistently discriminated [20] against protected populations in the [21] interpretation. The government cannot allow a [22] private, commercial venture with shaky

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[1] financing to violate Title 7 of the Civil [2] Rights Act, the Clean Air Act, Native [3] American treaties, the Keota Agreement, and [4] the Minnesota Mercury Reduction Initiative.

[5] In closing, may I remind you that [6] integrity takes courage. Please ask yourself [7] what is more important, protecting the [8] environment and the quality of life for all [9] citizens or the shortsighted economic [10] interests of DM&E? There are no adequate [11] mitigation measures to offset the desecration [12] of our historic and beautiful area.

[13] **MS. JOHNSON:** My name is Ruth [14] Johnson. I'm a state representative-elect [15] for District 24B. In the spring of 1998, [16] during my first term in office in the [17] Minnesota legislature, several constituents [18] contacted me with their concerns about the [19] possible expansion of the DM&E railroad near [20] their homes in Mankato Township. They were [21] very worried about the expected high level of [22] rail traffic, with the attendant noise,

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[1] vibration, and pollution along with the [2] devaluation of their property and disruption [3] of their lives.

[4] Since that time, as various [5] possible sites have reached public notice, [6] these fears and concerns have increased [7] exponentially. Wherever the expansion is [8] proposed to be located, people are alarmed by [9] the safety hazards, noise and pollution, and [10] general disruption the rail traffic will [11] create.

[12] Proposed mitigation by the railroad [13] basically addresses only a few of the safety [14] issues and leaves most concerns to be handled [15] by local units of government and paid for by [16] local taxpayers, none of whom will benefit [17] from the railroad expansion. On behalf of the [18] homeowners and the taxpayers, I wish to voice [19] their belief that the railroad should not be [20] built here or anywhere else.

[21] The DM&E expansion not — the DM&E [22] expansion, not by, I note, the current

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[1] agricultural transport, the DM&E expansion [2] must be opposed on local, regional and [3] national environmental grounds. It is a [4] private enterprise with outrageous costs to [5] taxpayers and is socially disruptive at the [6] local and regional level.

[7] Finally, the expanded use of coal [8] for electrical power is bad national policy. [9] Coal is a major source of pollution.

hauling [10] coal hundreds of miles by diesel causes even [11] higher levels of pollution. Since coal must [12] be used in the foreseeable future, it makes [13] more sense to retrofit existing coal plants [14] with pollution control equipment than to burn [15] diesel all across the plains in order to burn [16] low sulphur coal elsewhere. National energy [17] policies should be founded on conservation [18] and renewable sources of energy. The [19] expansion of the DM&E railroad keeps us [20] dependent on coal for power when we should be [21] developing non-polluting, renewable sources. [22] I urge a finding in support of the no build

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[1] option. Thank you.

[2] **MR. FRENTZ:** I'm Brand Frentz. I [3] live in Nicollet County about a half a mile [4] across the river from the railroad — from [5] the present tracks. My house shakes when [6] trains go by, although it's a half a mile [7] away. Sometimes it's loud enough you think [8] it's in the other room. The valley does act [9] as a funnel. I just wanted to confirm [10] whoever said that, that's absolutely right.

[11] I'm here to represent Minneopa [12] State Park. I'm the president-elect of The [13] Friends of Minneopa State Park. This is the [14] only state park in the Mankato area. [15] Minneopa is three miles west of town. It has [16] over 1100 acres today. It's the largest [17] protected area in this area. It is going to [18] be expanded, according to Minnesota state [19] legislature in 1998, it will be roughly [20] doubled in size over the coming decades, if [21] all goes well. [22] Minnesota has 60 state parks, but

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[1] Minneopa is the third oldest of them all. [2] It's a very popular park. In terms of [3] visitors, 110,000 visitor days a year, 300 a [4] day, if you like.

[5] It's also my favorite place. I [6] speak personally and officially for the [7] Friends of Minneopa. We want to protect our [8] park. That's all I'll discuss. The first [9] thing we want to be clear about is this [10] proposed staging yard which was originally [11] set on the west border of the park would be [12] simply devastating to have a large industrial [13] site operating 24 hours, 300 workers right [14] next to the park. Not only that, but in fact [15] this is the proposed area of the expansion, [16] if the park is going to expand in the future, [17] as has been scheduled, that's where it would [18] be. Well, if this yard were built, there [19] would be probably no expansion and it would [20] destroy that.

[21] Your recommendation in the impact [22] statement is that that not be done.



Please

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[1] keep it. We all agree. However, Minneopa [2] Park, we feel, is going to suffer if the plan [3] is permitted at all. Tracks run right [4] through the park. The campground, most of [5] the camp sites are within one hundred feet of [6] the tracks, of the present tracks, and 35, 45 [7] trains every 24 hours will shake the ground, [8] the noise will make it very hard to enjoy [9] that campground, hard to sleep at night.

[10] The park's main trails are near the [11] tracks. At a couple of points to get to the [12] floodplain part you have to go under the [13] tracks in tunnels. It can be a less enjoyable [14] hike around the park with all those trains, [15] all that noise, all that commotion, and [16] pollution. I want to point out that those [17] tracks run at the base of a slope, which is a [18] very wet slope. It's full of springs. Water [19] is running down constantly. It seems to be [20] constructionally difficult and damaging [21] there. But the main thing we want to say is [22] construction of this project would be a

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[1] terrible time for Minneopa Park and the [2] result would be worse. We would hope it's [3] denied completely.

[4] **MR. ZELLMER:** Thank you. My name [5] is Randy Zellmer. I'm here to speak on [6] behalf of Mankato Plumbing & Heating. This [7] is a plumbing and mechanical contract [8] business located in downtown Mankato. It has [9] been at that location for the past 36 years [10] and employs upwards of 50 individuals at any [11] given time throughout the year.

[12] This property is bordered on the [13] west by the Minnesota River and would be [14] bordered on the east by the proposed M-3 [15] route. There is only one road into the [16] property, and that is through Rock Street. [17] Within this property there are approximately [18] five warehouses located, all of the equipment [19] for the business, as well as the staging area [20] for its employees.

[21] The concern that the owners of [22] Mankato Plumbing & Heating has is access to

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[1] their property. As proposed, the railroad, as [2] it crosses over Rock Street will be a gated [3] crossing. This will deny my clients access [4] to their property. You can only imagine how [5] an employee who wants to gain access to the [6] warehouse could be stopped by a train and [7] delayed 5, 10, 15 minutes and only upon [8] returning from the warehouse could also be [9] stopped for the same length of time. It's [10] simply not accept-

able to have trains running [11] through this route three, four times per hour [12] without having ongoing access to my client's [13] business.

[14] When these concerns were brought to [15] the officials of DM&E both by myself and by [16] representatives from the city of Mankato they [17] have gone unanswered and unaddressed. We [18] find that totally unacceptable.

[19] For the survival of my client's [20] business, we want to express to this Board [21] our request that the approval of the M-3 [22] route would not be approved. Thank you.

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[1] **MR. PLATH:** Good evening. My name [2] is Roger Plath, 1240 Robin Hood Lane, [3] Owatonna, Minnesota. I come here this [4] evening to speak to you to oppose the DM&E [5] expansion. In addition to all of the [6] environmental issues that we've heard this [7] evening, my major concern is probably of an [8] economic value, such as real estate values.

[9] This is a major area of concern [10] since I own a major housing development in [11] southeastern Owatonna referred to as Sherwood [12] Heights. The proposed DM&E loop — DM&E loop [13] and the partnering with the I&M railway [14] greatly decreases the salability of existing [15] homes and future home sites. The proposed [16] loop encroaches on the southern edge of the [17] development, and such placement of the DM&E [18] loop intersecting to the I&M rail link would [19] eliminate or jeopardize the necessary [20] southern access to my development.

[21] Now, these home lot owners in [22] Sherwood Heights are being subjected to an

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[1] unreasonable and unfair intrusion by a coal [2] pipeline for the benefit of private [3] investors. I too have an investment to [4] protect. What are my rights? There are 35 [5] existing homes in Sherwood Heights with and [6] assessed value of 6,170,000 with an [7] additional 41 lots to be built on, which if [8] you assume the same value, that would come to [9] over 13 and a half, approximately 13 and a [10] half million dollars.

[11] Failure of the DEIS to recognize [12] these property owners is appalling. Please [13] refer to Volume 4, Chapter 5, Table 5.1, [14] dash, 9, under Action Regarding Residential [15] Issues. The table information indicates no [16] residences are located adjacent to the [17] connection. I beg to differ, and it seems to [18] me that the people with the Draft DEIS have [19] not even visited this area.

[20] The DEIS is wrong. Is it — is the [21]

DEIS so pro railroad that it fails to [22] recognize the rights of citizens? The DEIS

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[1] process is unfair and incomplete. Failure to [2] include in the Draft EIS the impact with the [3] I&M rail link connection with the DM&E is [4] wrong and should be challenged. Why hasn't [5] the Draft EIS recognized the negative impact [6] of the on-grade crossing of two main line [7] carriers in Owatonna, the DM&E and the I&M [8] rail link?

[9] The DEIS fails to provide fair and [10] proper noise mitigation. A chain link fence [11] doesn't cut it. How do you soundproof one's [12] deck? It is fact the Federal Housing [13] Authority has refused financing for areas [14] exceeding 63 decibel levels, and yet the STB [15] using 70 decibel levels as their basis for [16] mitigation. When one asks why the STB [17] uses 70 and not 63 as their basis for [18] mitigation, their response, "They did not [19] want to break the railroad." This reasoning [20] is unacceptable.

[21] It seems the DEIS is more concerned [22] with the rights of railroads, animals, birds,

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[1] plants and fossils than with the rights of [2] human beings. I oppose the DM&E expansion. I [3] would also request, I think you have heard [4] enough reasons tonight why the DEIS, the [5] comment period should be extended. I think [6] you should go back to the drawing Board, [7] redraft it, come back to us with it so we can [8] then take a look at it and then proceed with [9] the comment period on a new Final Draft EIS. [10] In summary, please stop the DM&E coal train [11] expansion. Private industry, that is, [12] private investors, should not be subsidized [13] by the STB's approval of such a proposal. To [14] approve this plan itself to rape the [15] communities and environments along its path [16] and to unfairly pad the pockets of the [17] electrical utilities, railroads, all the [18] private investors. The true cost must be [19] totally borne by those who benefit and those [20] damaged must be totally compensated.

[21] **MR. BOWIE:** My name is Rich [22] Bowie, 1220 Greenleaf Road of Owatonna,

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[1] Minnesota. My apologies to the citizens of [2] Mankato here for imposing on their time, but [3] we weren't recognized as a community [4] deserving of a hearing so here we are. You [5] know, I guess, you know, to start out with, I [6] guess I'd ask a favor of the Surface [7] Transportation Board. Nice, nice railroad [8] train that



you have got on Draft EIS, and [9] maybe when you revise it and you do another [10] one, maybe you can have a house like this [11] (indicating). You can superimpose the train [12] here (indicating). Then let's have this [13] young man (indicating) and his family playing [14] in the back yard in a swing set here [15] (indicating).

[16] Quite frankly I'm appalled by that. [17] This is what this issue is about [18] (indicating.)

[19] You know, I can't understand how [20] this body can even consider this proposal [21] when major issues haven't been addressed. [22] Please save our communities additional future

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[1] legal costs and make it clear to the DM&E we [2] must, or they must submit a much better plan. [3] Kevin Scheiffer's maybe here, maybe there, [4] maybe unaware approach to this proposition is [5] just ludicrous. How can the people of the [6] City of Owatonna formulate a decisive opinion [7] on the proposed proposition when neither the [8] STB or the DM&E has determined which option, [9] diamond interchange, inter or outer loop will [10] be used?

[11] Another concern I have is why [12] haven't all the municipalities along the I&M, [13] all the way down to the Kansas City and [14] Chicago, why haven't they been included in [15] this Draft DEIS?

[16] I sold real estate in Owatonna [17] for 17 years. Believe me, this proposal has [18] already impacted property value to the tune [19] of 20 or 30 percent. It's really unfortunate [20] because the people that are now living in [21] affordable housing such as who would reside [22] in this house, are the ones that are impacted

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[1] the most. Based on the misinformation [2] provided by the DM&E to the City of Owatonna, [3] the City of Owatonna choose to withdraw its [4] bypass proposal. The City of Owatonna was [5] told by the DM&E that the offer proposed to [6] them in the form of an agreement would [7] supercede any offer given by the Surface [8] Transportation Board. Based on your findings [9] we did have a viable and — I think it was a [10] viable option in the form of a bypass [11] proposal, you have taken it upon yourself to [12] make a determination that we can no longer [13] consider that. I thought this was a Draft [14] EIS. Not a Final EIS. Why was determination [15] made by the Surface Transportation Board? It [16] specifically states it is no longer under [17] consideration. My time's up?

[18] MR. GARDINER: Times up. Thank you [19] very much.

[20] MR. HURLEY: My name is Arlo [21] Hurley. I represent myself and also the [22] Southern Bypass Coalition. I must tell you I

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[1] regret the day I ever heard of DM&E. What I [2] have heard here tonight suggests one of the [3] problems that we're going to see. We're [4] having two possible routes, the M-2 route, [5] which is the southern bypass, the M-3 route, [6] through the city. Nobody wants this. Nobody [7] wants it in their own backyard. But we are [8] now faced with the possibility that it will [9] come.

[10] The Draft Environmental Impact [11] Statement recommended that the M-2 [12] alternative, commonly called the southern [13] bypass route around Mankato, is the [14] environmentally preferred route. That is the [15] most ludicrous statement I have ever seen in [16] my life.

[17] So there can be no doubt, I stand [18] here and I do speak in opposition to that [19] recommendation. Within the document it was [20] stated that the M-3 route would be placed [21] back into consideration if the UP and DM&E [22] have come up with an agreement. First of

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[1] all, I do not understand what that has to do [2] with environment, an agreement between two [3] railroads. But, since that statement is [4] currently there, I must then take issue with [5] the fact that if we go the southern bypass [6] route, the federal government will grant [7] through eminent domain the right of taking [8] our property, of removing our homes, of [9] cutting our farmlands in two, of interfering [10] with the movement of emergency vehicles. Most [11] of us on the southern route rely upon distant [12] fire departments for aid. All of this would [13] be impacted by this southern route.

[14] If the federal government can give [15] the DM&E the right to take our homes, my [16] question is, why can the federal government [17] not force the UP to give up their track right [18] to the DM&E? Currently, the DM&E is running [19] on UP track through the city. I would like to [20] know why the corporation cannot be forced [21] through eminent domain to lose their track [22] corridor, but we on the south route can be

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[1] forced to lose our homes. Thank you.

[2] MS. CLINKE: Okay. The first three [3] minutes I enjoyed this afternoon I argued [4] that farmers would not necessarily be served [5] better by a DM&E coal train and that in [6] addition there are federal funds for rail, [7] railroad up-

grades available through the RRIF.

[8] Further doubts about the protected [9] coal pipeline are raised by the new study by [10] NDSU's Upper Great Plains Transportation [11] Institute of the U. S. Department of [12] Transportation. This study of the economics [13] of rail mergers concludes that Class I [14] railroads are natural monopolies over a fixed [15] network size and that duplicate service of [16] the network would result in excess resource [17] costs. So I think that that's an important [18] thing to look at here. The DM&E claims that [19] the increased competition will result in [20] lower prices for farmers transporting their [21] grain to market. Maybe not. According to [22] this study.

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[1] There are bigger problems to be [2] answered here, and the DEIS should at least [3] address them. We know that we need more [4] energy. America will have to be coached into [5] a unified national energy policy that asks [6] consumers to pay the real costs, including [7] environmental, of the energy we consume so [8] copiously. There is a price to be paid. We [9] should consider alternatives to these coal [10] trains in this discussion. Wind power can be [11] produced and is being produced out near Lake [12] Benton, Minnesota where Minnesota's former [13] Commissioner of Agriculture Jim Nickels [14] lives. In a recent conversation he told me [15] about how they are harvesting the wind and [16] generating power through a contract with [17] Con-Ed in Illinois. The Buffalo Ridge in [18] Minnesota is producing power equal to half [19] the output of a nuclear power plant. He [20] called the coal train dinosaurs and said that [21] it was foolish to invest all the money on an [22] energy resource that in 20 years will be

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[1] replaced by cleaner, more Earth friendly [2] energy resources such as wind power.

[3] Another alternative that needs to [4] be explored and asked is the option of making [5] the energy in Wyoming where they're [6] harvesting the coal in the Powder River Basin [7] and sending it east in the form of a DC power [8] line. Dr. Sadol Olah, an electrical [9] engineering professor at the University of [10] Wyoming completed a study in 1997 for the [11] Wyoming Science Technology and Energy [12] Authority. It studied the economic and [13] technical feasibility of harvesting the [14] energy there and sending it through miles of [15] DC wire to energy consumers. It's my [16] understanding through him that the difference [17] is about \$20 a ton to transport the coal and [18] only about 2 bucks to send it east

through [19] these lines. I'll give you an abstract of [20] that paper when I submit my comments.

[21] He emphasized that there are costs [22] to be paid for any kind of energy. With the

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[1] coal trains, it's environmental damage along [2] the entire corridor. With the wind power [3] it's the raptors and migratory birds who die [4] and with this it's the environmental damage [5] done in Wyoming. Like energy, it all has [6] costs. However, this is one alternative that [7] I think should be looked at in conjunction [8] with the coal methane thing, which is [9] obviously a major do-do-bad, bad stuff.

[10] The points I'd like to make at the [11] very end is, we need more time to study the [12] DEIS. I said that earlier. We need a new [13] DEIS completely with clearly delineated [14] routes. I also believe the farmers and the [15] taxpayers shouldn't have to pay for this coal [16] to benefit Illinois energy consumers. I want [17] you to make this decision emphatically. [18] Think about if this is in your home, because [19] this is in our home. This to you is a job, [20] but this is our home. So I want you to think [21] about that.

[22] **MR. HENDRICKSON:** My name is Ken

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[1] Hendrickson, and I am from Owatonna, and, [2] again, thanks to Mankato for allowing us to [3] speak this evening, and for us to be able to [4] present to you in person.

[5] **SPEAKER:** Can't hear you.

[6] **MR. HENDRICKSON:** It's the one way [7] that we can fight what everybody says you [8] can't stop, the railroad. It gives us an [9] opportunity at least to vent.

[10] There's a couple of things. I live [11] on the north end of Owatonna. Owatonna is a [12] population of about 22,000 people. So it's [13] small and rural Minnesota. We do, however, [14] have about 10 percent — we rank tenth in the [15] state in industrial payroll, and about 30th [16] in population. So we're doing very well. [17] Very well indeed. We want it to stay that [18] way.

[19] I live on the north end. There's no [20] loops, no bypasses, at least that I'm aware [21] of, that's going to come in my backyard. I'm [22] here simply as a citizen of Owatonna that's

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[1] concerned. My background, I have been in [2] economic development for business incubation [3] and small business development and growth for [4] the last 20 plus years.

[5] A couple of things that I want to [6] present tonight. About 40 percent of the [7] residential area of Owatonna live on

my side [8] of the tracks. Three primary roads funnel [9] that 40 percent of the population down and [10] come across the DM&E. The first is Cedar [11] Street, onto Hoffman, and that's how the vast [12] majority of that 40 percent of our population [13] get to work, get to shopping areas, get to [14] our hospitals and clinics. Okay. Of those [15] three roads, two of those are at grade. One [16] of them is elevated. The elevated will have [17] to be redone if this project goes through.

[18] I'm positive that you have heard [19] today, you'll hear it this evening, if you [20] already haven't, please, about crossing [21] safety, noise, emergency vehicle access to [22] the hospital and clinic that's located on the

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[1] other side of the track, and fire projection. [2] The railroad expansion in Owatonna adversely [3] effects 40 percent of its residential [4] population. We're on the wrong side of the [5] tracks for all of those issues.

[6] The Owatonna and the DM&E agreement [7] really doesn't address that. There are no [8] guarantees with that agreement that that's [9] ever going to happen.

[10] Cedar Street — the second thing I [11] want to talk a little bit about, Cedar Street [12] is in downtown Owatonna. DM&E sits on the [13] edge of that and it has co-existed for close [14] to a hundred years. Our downtown went [15] through the cycles that a lot of downtowns [16] have, but they came back. Today there is [17] a — there just isn't real property [18] available. The DM&E sitting that close is [19] going to majorly affect that. We have a [20] redevelopment project now that's probably [21] going to go on hold because of this because [22] it sits about a block and a half from the

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[1] DM&E. With the recent statements from [2] Mankato and Rochester on the noise and the [3] vibration it's going to be a hard sell for [4] us.

[5] So, please stop this expansion. It [6] simply is just — we're just one of many [7] communities that are experiencing the same [8] things that I'm talking about tonight. Please [9] consider that. Thank you.

[10] **MR. ZELENKA:** My name is Bob [11] Zelenka. I'm the executive director of the [12] Minnesota Grain and Feed Association. My [13] view is one a little different from tonight's [14] theme. I'm talking from the point of view of [15] the rail users.

[16] We have grain elevators located [17] along this line in Minnesota as a local [18] market for thousands of farmers that

reside [19] in these areas. We have moved 26 million [20] bushels on this line, and we look at this [21] project not simply as a coal project, we view [22] it as a necessary rehabilitation to ensure

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[1] the future viability of this line. Rail is [2] very critical to our businesses along these [3] lines and along other rail lines in the State [4] of Minnesota.

[5] This 26 million bushels of grain [6] moved on this line equates to about 30,000 [7] semis that would be on these roads if you [8] have to divert that from rail. The advantages [9] to opened new markets to the West Coast, to [10] Asia, and to the south, and to Iowa, moves [11] the traffic in a different direction, and it [12] also gives us a better chance to access some [13] premiums in the market place 8 to 12 cents a [14] bushel is what's being talked about in some [15] of these markets.

[16] The new Class I carrier that this [17] would create is new competition. We feel [18] that, and would hope, drive down the rates [19] that other railroads are charging for grain [20] movement, and we also feel that competition [21] in the coal industry can only be helpful as [22] well.

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[1] According to the EPA, there's been [2] discussion about the emissions. There's [3] fewer pounds of pollutants are emitted by [4] locomotives as compared to trucks as [5] determined by emissions per gallon of fuel [6] consumed. From an environmental standpoint, [7] I think the retention of rail and moving [8] grain as much as can you by rail makes a lot [9] of sense. From an economic standpoint, the [10] no action alternative would be very [11] devastating to us in the agricultural [12] industry, our farmers, and the small [13] communities that we reside in. A country [14] elevator employs, on average, 15 people, has [15] a payroll of approximately \$500,000, has [16] approximately 2,000 customers per elevator, [17] with an annual property tax bill of [18] about \$50,000, handling about six million [19] bushels annually. So it's a big reason why [20] people come to communities. It's a big [21] reason why these towns are existing today by [22] us being a major employer and a major

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[1] taxpayer.

[2] We appreciate the detail in the [3] Draft EIS down to the description of road [4] kill in the Executive Summary glossary. We [5] can support many of the mitigation measures [6] outlined in the document. We want to go on [7] record in support of Alternative C. We want [8] to

urge the Surface Transportation Board to [9] issue a permit for Alternative C and adhere [10] to its deadlines in the development of the [11] Final DEIS and the ultimate decision. Thank [12] you.

[13] **MR. RIEKE:** My name is Randall M. [14] Rieke. I'm the general manager of the [15] Farmers Co-op of Hanska in Hanska, Minnesota. [16] Hanska Co-op serves 1400 patrons in the New [17] Ulm and Hanska area. We have two locations in [18] New Ulm served by the DM&E rail line. I also [19] served on the City of New Ulm's safety [20] committee for reviewing and putting the final [21] draft approval together for the City of New [22] Ulm agreement with the DM&E.

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[1] The viability of the DM&E is a must [2] for South Dakota and Minnesota rural [3] businesses and cities and the economies. Our [4] cooperative and farmer patrons need the DM&E [5] rail line service to compete in the world [6] business of grain and crop inputs. Hanska [7] Co-op lost its short-line rail in Hanska [8] in 1970. Our company knows what it feels [9] like to lose rail service for our rural ag [10] community. The new rail upgrade will allow [11] Hanska, New Ulm, and the surrounding [12] communities who lost their rail service to [13] access the Pacific Northwest markets and [14] Asia. These markets will tend to give our [15] patrons 10 to 15 cents a bushel edge on river [16] or Gulf markets. At 150 to 180 bushel corn [17] this equals to 15 to \$27 an acre just by this [18] new rail service. This is a big factor for [19] our rural patrons to be able to compete with [20] other areas with the PNW rail service.

[21] In our market area the impact would [22] amount to about a million and a half dollars

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[1] at a minimum and could be 50 percent higher [2] due to the PNW rail bed. So the impact is [3] huge to the economic status of our area [4] farmers and the rest of rural America along [5] the line.

[6] Our state and interstate highway [7] system will be saved by a number of 400 semi [8] trucks per single train move on rail, which [9] means energy is saved, air pollution is [10] saved, less traffic and safer roads due to [11] the DM&E rail service. Hanska Co-op ships [12] what would equal to 10 units of 100 cars [13] means 4,000 less trucks going in and out of [14] New Ulm each year. It is more economic to [15] pull 10 trains of grain versus 4,000 semis [16] and be safer and use less fuel, less road [17] fatigue, quieter, and more efficient loading [18] and unloading at both destinations.

[19] I really do not believe the [20] communities along Highway 14 from

New Ulm to [21] Winona want 4,000 semis running up and down [22] the road when 10 trains will do the freight,

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[1] and we are only one of many shippers on this [2] rail line. Also, by larger jumbo cars, [3] instead of loading 198,000, we can reduce the [4] trains by 31 percent. So seven trains could [5] do the same as 10.

[6] In summary, the two year delay on [7] the progress of the DM&E rail upgrade has [8] hurt our company, our patrons, and in grain [9] margin performance and crop input freight [10] reduction, and the lack of connecting [11] markets. Our company planning for the future [12] has been on hold due to this process. The 45 [13] to 90 day listening period should be very [14] ample to get the issues out on the table. Two [15] years have gone by. The communities have [16] heard it all by now, so let's get on with the [17] new DM&E first class rail service of the [18] future and watch South Dakota and southern [19] Minnesota rural ag communities prosper. [20] Thank you.

[21] **MR. AUSTIN:** Good evening. My name [22] is Lynn Austin. I work as an automotive

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[1] technician in North Mankato. I have been an [2] ASE certified tech for over 30 years. In [3] that time the government has cleaned up tail [4] pipe emissions by 98 percent to the point [5] where you can't even smell a 2001 car run.

[6] The river valley that we live in [7] holds pollution, and lots of days throughout [8] the year cloudy, high humidity, low wind, [9] those types of days hold the pollution down [10] and you can actually smell the carbon [11] monoxide in the air. By adding 40 trains [12] into this little valley, of the thick black [13] smoke going through our city or around it, [14] will put the pollution off the scale of [15] over 800 million carbonates. according to [16] recent surveys it will cause us all cancer, [17] or the people that live in the valley [18] according to the Automotive Service [19] Association and the New York Times. It will [20] cause us cancer. Cancer to all who live in [21] around this valley that have to go and have [22] that much more pollution coming in around it.

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[1] I feel we need to go back to the [2] drawing Board. We need to find a better way [3] to reduce the power plant smokestack [4] emissions instead of hauling 40 coal trains [5] through our area every day. So, why don't we [6] go to solar panels, fuel cells, solar energy, [7] the burning of garbage like we do here in [8] town? Can we afford to go backwards? I [9] grant you the trains move the com-

merce every [10] day. We can live with the trains the way [11] they are right now. But with the trains [12] bringing millions of gallons of fuel, [13] imported fuel no less that's polluting the [14] air, causing high safety problems at thousand [15] of crossings from Minnesota to Wyoming, [16] killing people at them — Ames, Iowa is a [17] very good reference of having problems with [18] people in crossings.

[19] I feel the government's money, or [20] my money, can be directed in a better way. I [21] beg this Board to vote no action and decline [22] the train use, if nothing else, at least give

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[1] us one year on the environmental asset sheet [2] to all the rest of the people that have said [3] things. So I just say "ditto." Thank you [4] very much.

[5] **MR. VOGEL:** Good evening. My name [6] is Allan Vogel. I'm the Director of the [7] Office of Freight, Railroads & Waterways with [8] the Minnesota Department of Transportation.

[9] For the benefit of the audience, [10] I'm going to repeat a portion of the comments [11] that I had made earlier this afternoon, and [12] then focus on some items that I wasn't able [13] to get to.

[14] The Department of Transportation [15] believes that the Surface Transportation [16] Board has done a commendable job describing [17] the no action alternative. MnDOT believes [18] that the DM&E is a critical element of a [19] balanced multi modal transportation system in [20] Minnesota and shares the STB's conclusions [21] that there are significant environmental and [22] social costs if this rail were to fall into

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[1] further disrepair and/or service abandonment.

[2] Competitive transportation options [3] for shippers in Minnesota is critical and [4] this railroad provides economic advantages to [5] the agricultural community in southern [6] Minnesota.

[7] As far as the STB's process to [8] review and solicit comments on the [9] construction application, MnDOT submitted [10] specific comments and requested that several [11] conditions be imposed on the railroad should [12] the STB approve the application. MnDOT's [13] comments and requested conditions have an [14] impact on the subject of the EIS and I'll go [15] into more detail on that in a moment. But [16] recognize that the STB's — the STB's failure [17] to acknowledge the critical nature of the [18] comments and conditions sought by MnDOT has [19] influenced your approach to the entire EIS.

[20] In particular, the STB chose to [21]

ignore that significant increases in rail [22] traffic will be experienced in the City of

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[1] Winona with environmental consequences. I'm [2] going to skip, now, to comments that I have [3] not made earlier this afternoon.

[4] Speaking specifically to the City [5] of Winona. Winona is a community with [6] significant congestion problems from rail, [7] truck and auto traffic. For the Draft [8] Environmental Impact Statement to be silent [9] on the impacts that this project will have on [10] Winona is arguably a fatal flaw. It really [11] boils down to this question. If your analysis [12] is based on train volumes of 37 per day [13] through to Winona, where do the trains go? [14] Safety, access, emergency services, mobility, [15] noise, vibration are all significant issues [16] in the City of Winona that this Draft DEIS [17] fails to acknowledge and address.

[18] Environmental impacts, as well as [19] benefits to the City of Winona, the Port of [20] Winona, and the Mississippi River, must be [21] considered in your analysis. Further, it's [22] the informed opinion of MnDOT that adequate

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[1] rail capacity simply does not exist in Winona [2] to handle the 37 additional trains that are [3] used as your threshold for environmental [4] analysis.

[5] I want to speak briefly to 104 [6] mitigative measures. MnDOT is of the opinion [7] that the STB should specifically order that [8] the cost of all mitigation is the sole [9] responsibility of the DM&E railroad. again, [10] this would include any and all costs [11] associated with grade crossing safety [12] improvements and grade separations. In [13] conclusion, MnDOT recognizes and respects the [14] complexity of STB's charge. I hope the STB [15] in turn appreciates the need for an objective [16] and fair review of this application as [17] provided for under the authority given the [18] STB in matters of this nature.

[19] I have heard it said from many [20] sources the STB process is a process weighted [21] heavily in favor of the railroads. Your [22] responsibility in this emotionally charged

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[1] and regionally significant project is to [2] ensure that this critical matter of [3] interstate commerce is decided based on [4] objective analysis conducted by qualified [5] experts. Thank you.

[6] **MR. JANNI:** Thank you. My name is [7] Ron Janni of 11486 Shag Road. I have some [8] concerns regarding the Middle East Staging [9] and Marshalling Yard for

Alternative B and C, [10] option B, located a quarter mile southeast of [11] New Ulm along Shag Road. Closing township [12] road 97, also known as 110th Avenue, would [13] make Shag Road a four and a half mile dead [14] end road, leaving over 30 homes, plus an [15] apartment house with only one exit. This exit [16] has been closed several times in the last few [17] years due to flooding. Also the junction of [18] Highway 15 at Shag Road is a dangerous [19] intersection. Because of a hill, traffic [20] coming from the north cannot see far enough [21] in advance for any vehicle that is waiting to [22] make a left-hand turn on to Shag Road. There

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[1] have been several accidents here over the [2] years, some of which are fatal.

[3] Having a hundred more vehicles [4] using this intersection instead of [5] using 110th would increase the changes of [6] more accidents. Residents living toward the [7] eastern end of Shag Road wishing to go [8] towards Mankato for work, or whatever, would [9] have to drive an extra eight to nine miles. [10] The school bus would have to backtrack the [11] entire length of Shag Road and 110th Avenue [12] which would add an extra 12 to 15 miles to [13] the route twice a day. It would also take [14] rescue vehicles much longer to respond to an [15] emergency on the eastern end of Shag Road. [16] Farmers would have to move their farm [17] equipment an extra eight to nine miles on a [18] major highway to get to some of their fields [19] that are within a half mile of their yard.

[20] In the DEIS statement it states [21] that there's one intermittent stream that [22] passes through the proposed yard. In the

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[1] glossary they define an intermittent stream [2] as a small waterway which water flow is not [3] continuous, usually having only seasonal [4] water supply or sporadic water flow. There's [5] a fairly large stream at mile 161.5 that [6] flows pretty much the whole year. During the [7] spring thaw and after rains it flows very [8] strong, almost violent. Right now there's a [9] log jam up against the trestle. This stream [10] brings surface runoff water from several [11] hundred acres all the way from the top of the [12] hill near Highway 68. If this stream were to [13] be restricted and caused to back up, it would [14] very easily back up into an apartment [15] building located at the bottom of the hill.

[16] At mile 16.8 (sic) there also is a [17] trestle over the stream. There are also two [18] large cement culverts under the existing [19] track, one at mile 162.1 and the other [20] at 162.6. Both of these flow strong during [21] the spring thaw and

after the rain. There [22] are two homes and an apartment house and an

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[1] apple orchard tucked in the hillside south of [2] the yard. The only way out would be to cross [3] the rail yard because of the hill. There [4] would be parcels of land that would be [5] landlocked and so there would be the danger [6] of mostly children being hit by trains while [7] crossing the yard to get to a friend's home [8] or their hunting spots in the woods. There [9] are over a hundred people in the 35 homes [10] along Shag Road that would be near the switch [11] yard. Several of them being less than 125 [12] feet. They would have to listen to the loud [13] noise of stop and starting and switching of [14] cars in the yard which DM&E informed me would [15] take place 24 hours a day. I think this [16] would be very disruptive at night especially [17] for children. Thank you.

[18] **MR. SMITH:** I'm Steve Smith and I [19] represent several hundred farm families in [20] rural Olmsted County whose lives would be [21] irretrievably changed by Rochester's [22] construction of a bypass through a heretofore

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[1] pristine area. I'm here to tell you that the [2] purposes of the National Environmental Policy [3] Act are not served by destroying the natural [4] environment out in that area. The City of [5] Rochester complains about delays for funeral [6] processions to get into a cemetery, yet their [7] bypass goes right through Holy Redeemer [8] Cemetery requiring the removal of grave [9] sites.

[10] They have plotted this line on a [11] region of karst topography with sinkholes and [12] could you not design a line which aligned [13] more closely with those sinkholes. The Draft [14] Environmental Impact Statement fails to [15] address the fact that those sinkholes are [16] caused in part by hydrological — or [17] hydraulic changes caused by construction. The [18] rail construction with 90 foot fill sections [19] and 40 foot cut sections is going to have [20] great hydraulic changes. The City of [21] Rochester's water supply depends upon [22] underground 40 foot aquifers, and a 40 foot

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[1] cut section into bedrock is an open wound [2] into those aquifers, and the DEIS fails to [3] address that.

[4] There is another region of [5] sinkholes located in the southwest part of [6] the county and the western part of the county [7] through which the bypass is proposed to run. [8] The effect of those 40 foot deep cut sections [9] is not only

going to greatly affect the [10] ability of farmers to get from one field to [11] another, it's going to draw down the water [12] table and make it much more difficult for [13] them to grow crops adjacent to that area.

[14] There are ag residences along the [15] route. There are also other residences. [16] There is also animal husbandry along that [17] route, which has not been addressed in the [18] DEIS. The City of Rochester complains about [19] the adverse effects of emergency vehicles [20] being unable to cross the tracks because they [21] have turned down overpasses which would allow [22] them to cross the tracks and yet they propose

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[1] a 35 mile long route through rural Rochester, [2] or through rural Olmsted County which would [3] require long detours especially when ten of [4] those crossings likely would be closed under [5] standards set by the Minnesota Department of [6] Transportation. Their lives are not less [7] valuable than the lives of the people in the [8] City of Rochester.

[9] Finally, we get to Section 19 in [10] Rock Dell Township where they propose to [11] cross an absolutely beautiful pristine wooded [12] gorge by a 90 foot high fill bracketed on [13] either side by 35 foot, 40 foot deep cut [14] sections. Incidentally, the 90 foot high fill [15] is supposed to join a 250 foot long bridge [16] which is only 28 feet above the ground. I [17] don't know how they join a 90 foot high fill [18] with a 28 foot — a 28 foot high bridge, but [19] that is indicative of the quality of the work [20] that has gone into this bypass. Thank you.

[21] **MR. MATTICK:** My name is Neil [22] Mattick. I live on, or near the southern

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[1] bypass that's been proposed. I'm strongly [2] opposed to the southern bypass route that is [3] set up at this time. Just a couple of points. [4] On the application to the STB two years ago, [5] a map was posted on the DM&E website. It was [6] a topographic map that was very detailed. [7] The route submitted to you at that time is [8] not the same that has come out at this time.

[9] At that time, it would have touched [10] my property and come through it, now it's [11] moved 2000 feet north of my property, so I [12] feel you have been submitted with wrong [13] information from the DM&E, and if this is one [14] instance, how much more information have you [15] had that is wrong?

[16] Another thing, two years ago, [17] again, on the southern bypass we had a [18] township meeting. We submitted comments to [19] you regarding the

environment and it took you [20] two years to submit a draft, and I don't feel [21] any of our comments were viewed. I feel that [22] you went around this wrong. That you need to

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[1] do your environment first and all your [2] other — and get a definite route from the [3] DM&E because it's totally wrong. Thank you.

[4] **MS. SALLSTROM:** My name is Kathy [5] Sallstrom. I live at the intersection of [6] County Road 90 and Highway 66. This is [7] located in a portion of the river valley [8] where you propose the new rail line should be [9] built. At one time my driveway seemed to be [10] the place where the track was going, now it [11] appears that it's just across the road from [12] my house.

[13] Meaningful, educated input from [14] many residents along the M-2 bypass, myself [15] included, could not begin because portions of [16] this route had not been conclusively [17] identified for us by a map until [18] November 6th. It was at the November 6th Blue [19] Earth County's Commissioner's public input [20] session that an accurate map that I now call [21] the "current map" of the route was provided. [22] Until that meeting I had seen no less than

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[1] four other versions of the map in a span of [2] two weeks. I haven't had an opportunity to [3] read the DEIS in its entirety for all the [4] reasons as mentioned by others. I also [5] request an extension of time.

[6] I wish this discussion wasn't [7] talking about alternative rail routes. I [8] wish it was discussing alternative available [9] non-polluting sources of power. It's too [10] self-serving for the railroad and the power [11] companies to line their pockets at the [12] expense of so many of us. The expense only [13] begins at pollution and will inevitably end [14] with increased taxes. This affects everyone. [15] Even if I didn't live in the valley, I would [16] object. I feel that the government, meaning [17] the taxpayers, has no place in funding [18] private corporations. This project does not [19] benefit our area. There's no public interest [20] in it, in the Blue Earth County area.

[21] I object to the danger of passive [22] crossings. Two of my four children drive. I

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[1] have a daughter 15, a son 13. Everywhere we [2] go from our location I fear for their safety [3] if these passive crossings were to exist. The [4] number of trains coupled with the passive [5] crossings is just a disaster waiting to [6]

happen.

[7] I find it unbelievable that in the [8] short time I have been acquainted with the [9] DEIS that this lengthy document even has [10] environmental study in its title. I'm [11] referencing this to the quality of air in the [12] valley where I live, the wetlands, the flood [13] waters, wildlife, and the quality of life of [14] those who live in the valley. How do you [15] mitigate the obliteration of a habitat of [16] deer, pheasant, duck, turkey and geese?

[17] A portion of the proposed route is [18] to be constructed in the floodplain currently [19] zoned conservation. It's been explained to [20] me that the hillside will be cut and pushed [21] into the valley to provide fill to create a [22] level grade to accommodate the train. These

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[1] flood waters will go to the lowest lying [2] area, which is where my house is. The [3] conductor of sound through the valley has [4] been addressed. The odors and pollution that [5] hang in the valley have been addressed. The [6] safety factors and substantial trends of [7] regular train traffic and people who frequent [8] the area for recreational purposes. The [9] Corps of Engineers' map signifies that the [10] chairlifts of Mount Kato on the back hill are [11] in conflict with the study. This is [12] practically in my backyard. I haven't had any [13] contact from anyone about the effects on my [14] property.

[15] **MR. DEBERG:** Good evening. I'm [16] Kevin DeBerg from Springfield, Minnesota. I'm [17] a representative of Harvestland Cooperative. [18] We are in favor of DM&E's revitalization [19] project and for mainly two reasons.

[20] First, building a new and [21] economically feasible markets. We'll have, [22] with the revitalization product (sic) better

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[1] access to eastern and southeastern feed [2] markets for our corn. Secondly, better access [3] to Pacific Northwest markets and the Asian [4] market. Thirdly, the IM Merrill link, the new [5] market for corn down into Iowa.

[6] Crop inputs such as dry fertilizer [7] products, liquid fertilizer products, and [8] propane will also be freighted in at lower [9] costs and new suppliers will enter our [10] markets thus lowering costs for our [11] producers.

[12] The second topic is highway traffic [13] without rail service which could happen [14] without the revitalization. Springfield, [15] alone, would put an additional 6,000 semi [16] loads of grain on our highways in the [17] shipping — in



the April through August [18] shipping period. For example, we did have a [19] location one year ago that lost rail service, [20] and after shipping nearly 4,000 semi loads of [21] grain, we had numerous meetings with city [22] council, and hearings with the town people in

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[1] that city, and now the city, the residents, [2] and our cooperative, with other cooperatives [3] on that line, are working to get rail service [4] back. We cannot afford to lose service and [5] increase our costs economically, socially, [6] and environmentally.

[7] In summary, there are two basic [8] issues important to us. First of all, a [9] revitalized DM&E railroad will lower input [10] costs for our producers. Secondly, the [11] revitalized DM&E will raise prices received [12] by our producers in our area for their [13] products. These two factors, in our analysis, [14] will raise revenue per acre for our [15] producers, at a minimum, of 9 and half to \$11 [16] an acre and with some higher — other higher [17] estimates, if things go the way we think they [18] will, of 25 to \$30 an acre. Thank you.

[19] **MR. HAMER:** I'm Dick Hamer. I own a [20] small office building at 217 Walnut Street in [21] Mankato. This is well within the floodplain [22] in downtown Mankato. The City of Mankato has

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[1] endured at least two floods and many, many [2] years of apprehension about flooding until [3] the flood control project was completed.

[4] I'm extremely concerned that heavy [5] haul coal trains on or near the flood control [6] project might sooner or later compromise the [7] project which was constructed at great cost [8] by the Corps of Engineers. It just doesn't [9] seem reasonable to allow anything that could [10] possibly compromise the integrity of the [11] flood wall and the dike, and thus endanger [12] the lives and property of the citizens of [13] Mankato.

[14] I agree with the DEIS that the M-3, [15] in-city route is not the environmentally [16] preferred route. I believe the M-3 route [17] should never be used. Therefore, I urge that [18] the M-3, in-city route, be withdrawn from [19] consideration as a viable alternative. Thank [20] you.

[21] **MR. TILLISCH:** My name is Skip [22] Tillisch and I'm here to express my concerns

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[1] about the effect of the DM&E trains on the [2] local flood wall. My office is located a [3] block and a half from the flood wall and it's [4] definitely within the

floodplain. I purchased [5] my building at about the time that the flood [6] wall was just being completed, and that [7] protection that was going to offer was a [8] large consideration in my determination to [9] spend the money and stay in downtown Mankato. [10] Now they're talking about running 37 trains [11] along the wall and nobody has done an [12] adequate study of what effect this is going [13] to have on that wall itself.

[14] Floods seem to be getting worse [15] everywhere. I have two friends who were [16] flooded out in Grand Forks in that flood a [17] couple of years ago. They said those dikes [18] would hold, but because of the incredibly [19] high water levels, they did not. Their [20] practices still haven't returned to the level [21] they were before the flood.

[22] If Mankato should be cut — be

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[1] flooded because of the trains weakened the [2] flood wall, the loss is going to be [3] devastating to this area. I ask you to make [4] sure that no additional tracks are added and [5] that no additional trains are allowed to run [6] along the flood wall until adequate testing [7] has been performed and you can offer a [8] guarantee that our hundred million dollar [9] investment in the flood wall and our hundreds [10] of millions of dollars investment in lower [11] Mankato are protected. Thank you.

[12] **MR. PUTRAH:** I'm Jeff Putrah and [13] I'm representing the Mount Kato ski area [14] south of Mankato. I'm slightly unprepared [15] due to the same problem one of our other [16] people talked about, the change in the map. [17] The map we originally had showed the M-2 [18] route to be south of County Road 90. Now all [19] of a sudden it's in our backyard on the north [20] side of County Road 90.

[21] The impact statement also says that [22] we will have our western lifts impacted. I

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[1] want it to be known that's a complete [2] understatement. With the loss of those lifts [3] will be the loss of the Mount Kato ski area. [4] The area will simply close. It is not a [5] viable area without its rear side of the [6] area. We draw from Kentucky, Missouri, South [7] Dakota, Nebraska, Wisconsin, North Dakota, [8] and a large portion of Minnesota, including [9] the metropolitan area. Without the rear part [10] of our area on the south facing slopes, that [11] area cannot draw from that large of an area [12] any longer. It will close because it will no [13] longer be viable.

[14] With the loss of that, I want [15] everyone to consider you will also lose a [16] great form of recreation for our

children and [17] the trickle down dollars that have to come [18] from that area to the gas stations, to the [19] restaurants, to the hotel-motel businesses in [20] the City of Mankato are dramatic. In the [21] winter you will lose all of it. Like I said, [22] I'm sorry, I'm kind of unprepared, but I

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[1] think it's a real important fact that [2] everyone know this. After several phone calls [3] this morning to some very important clients [4] that we have at Mount Kato, not one had a [5] clue that this would affect the Mount Kato [6] ski area.

[7] I just want it to be known that I [8] think a little more should be written due to [9] the fact that what is going to happen, no one [10] knows. Impact is a pretty broad statement. [11] But if impact means removal of the lifts on [12] the rear side of our area, there will be no [13] more area. Thank you.

[14] **SISTER SCHMITZ:** Thank you for the [15] opportunity to speak. My name is Sister [16] Gladys Schmitz. I live at 170 Good Counsel [17] Drive, Mankato. I want to speak in favor of [18] the no action alternative which, according to [19] the DEIS, 2.2.1.1 on page 2-10 states, "Under [20] the no action alternative DM&E would not [21] construct or operate a new coal line in South [22] Dakota and Wyoming extending its existing

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[1] line into the PRD, the Powder River Basin." [2] The footnote states that, "It is likely that [3] the DM&E would not rebuild its existing [4] system in Minnesota and South Dakota due to [5] lack of available resources."

[6] I believe there might be other [7] resources available through the new federal [8] Railroad Rehabilitation and Improvement [9] Financing Program, RRIF. If they use that to [10] give the kind of rail service that the farm [11] co-op people have been talking about, it [12] would eliminate the perceived need to inflict [13] massive environmental and social damage for [14] the sake of saving the coal train line.

[15] I'm not against railroads. But [16] from my earliest understanding of what this [17] DM&E expansion is all about, I have [18] strenuously opposed its passage either [19] through Mankato, through a bypass, be it [20] north or south, or through anybody else's [21] city or countryside. All I have learned since [22] then has re-enforced and underscored my

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[1] opposition. My reasons are multiple and [2] they're the same as those you have heard from [3] a lot of other citizens. But most of all I [4] think it's wrong-headed, at



best, to [5] spend 2.4 billion dollars on railroad [6] expansion for an out-moded form of energy [7] production.

[8] We need a national energy policy [9] that moves away from fossil fuels to one that [10] emphasizes a comprehensive and serious effort [11] at efficiency, conservation and promotion of [12] renewable resources such as wind, solar, and [13] biomass. As climate change begins to be [14] taken more seriously, emissions from coal [15] fired plants will have to be addressed since [16] the electric utility industry is the largest [17] single source of air pollution in the United [18] States.

[19] Coal fired plants emit many heat [20] trapping gases. Some of these same [21] pollutants, along with other emissions cause [22] acid rain, respiratory diseases, heart

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[1] problems and cancer. In fact, the New York [2] Attorney General took legal action last year [3] against 17 midwestern coal fired electric [4] plants for the pollution they have caused for [5] years he said. But coal fired plants also [6] emit mercury which is carried downwind along [7] with other pollutants. It falls on lands and [8] into rivers, lakes, and streams where it is [9] changed by bacteria into an extremely toxic [10] form called methyl mercury. Methyl mercury [11] is the only form that bio-accumulates. [12] Humans ingest most mercury by eating fish. [13] More than 95 percent of the mercury we get [14] through fish is methyl mercury. Its [15] biological half-life, that is the time it [16] takes the body to rid itself of half of [17] mercury is 70 days. But mercury's half-life [18] in the brain is 230 days. The brain is the [19] organ that is most harmed by this neuro [20] toxin. This is dangerous for any person but [21] especially for children, those in utero and [22] those whose nervous system is still

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[1] developing until at least to age six. It's a [2] complex problem that can't be easily [3] addressed.

[4] Well, I have got more here, but [5] I'll try to come to an end. But, anyway, I [6] just want to say that let the DM&E use the [7] RRIF to upgrade its tracks for hauling [8] agricultural and other local products. The [9] STB should consider all environmental impacts [10] in the DEIS, but even as it we don't have [11] time to examine it. I looked at maps, for [12] instance, on the part I had and I couldn't [13] find what was written in the words. I [14] couldn't find it on the maps and so on. So, [15] anyway, I request a longer time. I think we [16] need it because —

[17] **MR. TORBENSON:** I'm here — I'm [18] Kevin Torbenson and I'm here on

behalf of the [19] thousands of people that call Mankato home. [20] I'm talking about more than the city proper. [21] I'm talking about the outlying areas involved [22] in the southern route. If we could all take a

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[1] look at the numbers that came through on the [2] last census, I believe that we would see in [3] the last 10 years the status of the City of [4] Mankato has been no growth. Actually, in [5] fact, it went down in population.

[6] How can a shrinking in size, a city [7] shrinking in size support a new mall, hotels, [8] lots of places to eat, it seems like we have [9] unprecedented growth in Mankato. The fact is, [10] not all the people that are supporting these [11] things, and this new growth are coming from [12] Iowa, by the way. The so-called growth in [13] Mankato is coming directly supported from the [14] growth in these outlying areas. Eagle Lake, [15] Mankato Township, rural neighborhoods like [16] Copper Mountain, Riverview Heights, and [17] Meadow Brook, these are the Lakevilles and [18] the Bloomington of the metro area. If you [19] take a drive south you will see homes, [20] development and neighborhoods everywhere. [21] Rural development is the trend. It has been [22] for decades. This is nothing new. These are

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[1] established neighborhoods.

[2] I applaud Mayor Kagermeier's brave [3] stance to say no to the southern route, as [4] well the city route. The Blue Earth [5] Riverway, Mount Kato, the Red Jacket Trail, [6] Hungry Hollow, Indiana Lake Nature Trail, [7] Minneopa State Park, Minneopa Falls, these [8] are all vital parts of Mankato. As many of [9] you have already stated, the scenic river [10] valley that surrounds this area is what makes [11] this community, which includes your fellow [12] Mankatoians that live along the southern [13] route, a wonderful place to live. The people [14] of Mankato need to stand together on this [15] issue. The people of Mankato don't want DM&E, [16] period.

[17] **MR. YEZZI:** I'm Ron Yezzi, 201 [18] Chancery Lane in Mankato. The nature of the [19] DEIS forces people to discuss the specifics [20] of the environmental impact in their areas [21] simply as a defense against the effects on [22] them of the DM&E project. But the

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[1] environmental impact of this project is much [2] broader than these specific impacts. An [3] adequate EIS needs to take into account the [4] environmental impact of alternative national [5] energy

policies.

[6] In particular, there needs to be a [7] study of the environmental impact of [8] conservation and alternative energy sources. [9] If the national environmental value of this [10] project is the transport of low sulphur coal [11] to the Midwest to reduce polluting emissions [12] there, doesn't any such environmental [13] advantage have to be weighed through a cost [14] benefit analysis against the environmental [15] advantages of alternative energy sources?

[16] If the purpose of the EIS is to [17] determine environmental impact, then it needs [18] to measure the total environmental impact. If [19] the development of alternative energy sources [20] such as solar, wind, or biomass would have [21] less adverse environmental impact, then these [22] alternatives belong in the EIS for the DM&E

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[1] project.

[2] Without alternative energy policy [3] inclusion, the EIS promotes coal solutions to [4] the nation's energy needs by ignoring [5] important relevant environmental [6] considerations. Thank you.

[7] **MR. FERNANDEZ:** I'm Santiago [8] Fernandez and speaking in favor of the no [9] build option. For many reasons which have [10] been previously stated, specifically, I think [11] that fuel cell technology which hasn't been [12] discussed earlier will be so prevalent in 10 [13] years that this will have seemed like a [14] complete boondoggle. So keep that in mind. [15] But on a more new by nature I work at Two [16] Fish Recording Studios in Mankato. We're [17] very concerned about low decibel rumble and [18] how it's going to impact our business in the [19] recording studio. We're at Second and Grove [20] in Mankato. That's close enough that we [21] already have some impact from the rail line [22] as it is. But we're very worried about 37

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[1] trains a day. It would basically put all our [2] investment in our location to waste. So, [3] thank you.

[4] **MR. DORN:** Good evening. I'm John [5] Dorn. I'm the state representative for [6] District 24A, which is basically the City of [7] Mankato, the Village of Skyline and South [8] Bend Township. You asked us on the [9] instructions that accompany this — and by [10] the way, I thank you for coming to our [11] community and listening to our voices. You [12] suggested that we say "ditto" or rather than [13] be redundant and I came up here in part to [14] say a lot of "ditto's" to the many articulate [15] statements that have been made by the folks [16] in this community

about the concerns they [17] have with this proposal through what is [18] really the greater Mankato area park as you [19] have heard tonight and the damage that would [20] be done to the entire area.

[21] The concerns about the crossings, [22] and the safety, and the traffic concerns, the

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[1] flood wall, the vibrations, the noise damage, [2] the pollution damage to our air, our water, [3] our flora, our fauna, that is what I'm saying [4] "ditto" to.

[5] I have two comments, because I [6] don't say "ditto" quite to everything that I [7] have heard tonight. The first is that I [8] certainly want a strong agricultural industry [9] in Minnesota. That's part of what Minnesota [10] is. We've heard the statistic that each car [11] is four semis and 100 trains — I'm [12] sorry, 100 car train would be four — 400 [13] semis and 10 would be 4,000. This is a [14] very — this is a very smart area. I believe [15] we've got to be smarter than to be putting [16] ourselves in a position where the solution to [17] revitalizing our agricultural community is to [18] run the equivalent of 12,000 semis on a coal [19] interstate through the park in which we live. [20] I think we can do better than that in terms [21] of what the needs are from the agricultural [22] community.

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[1] The second comment, you heard the [2] first speaker, my good friend, Senator [3] Vickerman, from the Tracy area to say hurry [4] up. Wanting to proceed as fast as possible. [5] I think you have heard real clearly here [6] tonight a plea from folks to say, "We need [7] some more time." This is a huge project. [8] This is a massive document. There are [9] surprises or unexpected twists in the [10] document for people in terms of alternative [11] routes.

[12] I have heard it characterized that [13] this proposal is the largest rail expansion [14] in the last hundred years. I don't know if [15] that's accurate or not, but it is a major [16] expansion. I don't know where we ever came [17] upon the solution or the idea that 90 days [18] was the magic number in terms of time that [19] people would need to respond to this. I [20] thought, well, if it's a 50 year proposal [21] would we have only 45 days, a 25 year [22] proposal, would we be down to three weeks? I

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[1] don't think there's — there's a good [2] connection between the 90 day time line and [3] what people are experiencing, what they need [4] to know, and what they can share. So, I would [5] add my voice publicly here, and I'll also [6] follow

up in writing, that certainly it is [7] reasonable for folks to have more than 90 [8] days to respond and to deal with all of the [9] concerns that they're dealing with this. [10] Thank you.

[11] **MR. RAGAN:** Yeah, I was here this [12] afternoon. Chuck Ragan, Chuck's Body Shop. I [13] said my piece and I listened a lot. I hate to [14] say it, but it sounds like there's a lot of [15] crying both ways. I — I was probably one of [16] the criers saying that I'd like to see that [17] many trains not go by my place. Well, my body [18] shop is right beside the railroad tracks. My [19] house is there. I lived there 30 years. Hey, [20] if I didn't like it, I shouldn't have built [21] my body shop there. I know that. [22] But, I brought up the story that

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[1] I'd like for them to buy me out. That would [2] be fine. I know that the railroad would have [3] to go through with it if they had to buy the [4] land. They've had the land bought already [5] for a hundred years. When I said I wanted to [6] be bought out, I'm on old Highway 14. I have [7] got land on the new Highway 14. That's why I [8] said I'd like to be bought out and move my [9] body shop. The railroad — I know it's — I [10] mean, I've listened and listened and listened [11] to people complain, complain and complain. I [12] don't want to be one of the complainers. I'd [13] like to see the railroad tracks go through [14] right where they're at. The only thing is I [15] don't want to be in my business beside them, [16] the railroad tracks, because I'm so close.

[17] Fifteen years ago they had a [18] derailment right beside my body shop, 1,000 [19] feet down. I'm so close to the railroad [20] tracks that if they did have a derailment it [21] would be right inside my body shop. I know [22] that they're going to put all new railroad

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[1] tracks and everything, that problem ain't [2] going to be there.

[3] So, the only problem I have got is [4] the traffic on new Highway 14, the turnoff [5] comes right by my body shop. They have to [6] cross the railroad tracks first. If [7] there's 40 trains, 37 trains go through a [8] day, the people taking new Highway 14 are [9] never going to be able to get to my body shop [10] to get an estimate to get their car repaired. [11] I appreciate your time. Thank you.

[12] **MS. MCKEOWN:** My name is Diana [13] McKeown. I am the energy programming [14] coordinator for Clean Water Action Alliance [15] of Minnesota. It's a state chapter of the [16] National Organization of Clean Water Action. [17] Clean Water has over 40,000 members in

the [18] State of Minnesota and we were alerted by [19] members in south Minnesota in July of 1998 [20] about this environmentally devastating [21] project. Forgive me for repeating this [22] afternoon's comments, but considering that

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[1] I'm the only person representing an [2] environmental organization state-wide, or [3] nationally, I felt like I really needed to [4] get back up again.

[5] We do not oppose railroads. I [6] didn't say that very clearly this afternoon. [7] We oppose the continued reliance on fossil [8] fuels. We would support an upgrade for the [9] continuation of agricultural farm products to [10] go to market. Please understand that.

[11] We respectfully request a 180 day [12] comment period. Ditto to the Corps of [13] Engineers project as well for an extension on [14] that. That comment period as well. These [15] documents are large and confusing to be able [16] to read, analyze, and comment on, not only [17] for public citizens, but also for [18] professionals, as well as citizen interest [19] groups. This is the busiest season of the [20] year for most people with the holidays in [21] November and December, and for my [22] organization that also includes the election,

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[1] which, of course, as we all know is not quite [2] over yet.

[3] I will comment briefly and then [4] submit written comments. Clean Water Action [5] does support Alternative A, no action [6] alternative. I'm mostly looking at the [7] environmental impacts of energy generation on [8] our water resources in Minnesota. As I speak [9] here today, across the globe in the Hague, [10] Netherlands, there are negotiators from all [11] over the world working to further the work on [12] the Kuhn Treaty to greenhouse gas emissions [13] with the U.S. Agreement that would have us [14] reduce greenhouse gas emissions by 7 percent [15] below 1990 levels. Much of this greenhouse [16] gas in the U.S. comes from coal fired plants [17] and other electric generation.

[18] In this room we are discussing [19] whether or not to allow a private project [20] that not only takes farmers' and ranchers' [21] lands, violates sovereign nation's treaties, [22] impacts our air and water quality, lowers

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[1] property values, increases noise pollution, [2] has safety impacts as well as delaying [3] emergency vehicles, but also may diverge from [4] our national policy and potential national [5] commitments that reduce our global [6] contribution to

climate change.

[7] In addition to that national [8] decision there is another looming national [9] decision that will have an impact. The EPA [10] will be making a determination within the [11] next month on whether to regulate mercury [12] from coal fired power plants. Every [13] indication is that they will do that. While [14] the DEIS cheerleads the efforts of DM&E to [15] adhere to the Clean Air Act by using a low [16] sulphur coal, they don't mention that the low [17] sulphur coal also has a lower BTU value and [18] that power plants will need to burn more coal [19] to get the same thermal value, meaning more [20] carbon, more mercury, and potentially the [21] same amount of sulphur. In addition, using [22] low sulphur coal is not the only way to meet

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[1] the Clean Air Act Amendments of 1990.

[2] I also wanted to add that — the [3] question that why aren't the impacts of the [4] increased barge traffic on the Mississippi [5] River and the building of a new barge [6] facility not included in the DEIS?

[7] We're very concerned that this [8] project is even being considered considering [9] the options that our country and the [10] direction our country might be going with [11] renewable energy. I also have some postcards [12] showing a southwestern Minnesota farm with [13] wind turbines on it and if anybody came from [14] the east saw the farm in Lake Benton where [15] this train will go through. We do have the [16] resources in Minnesota to do a different way [17] and I'd love to submit these. Anybody else [18] want one? I have got them.

[19] **MR. GARDINER:** That concludes my [20] list of people who have signed up to finish [21] the comments. Is there anybody else who has [22] not provided comments who feels moved to

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[1] provide comments? The gentleman there. Is [2] there anybody else? Okay. We've got a [3] couple. Why don't we start here and then [4] we'll go here.

[5] **MR. BROCK:** My name is Cameron [6] Brock, engineer with the DM&E railroad, [7] Waseca, Minnesota. I spoke earlier. Just to [8] point out a few ironies. The track — the [9] tracks that are now in Mankato, there are two [10] railroads traversing. There used to be four. [11] Where your civic center and your parking ramp [12] and your Hy-Vee and your hotel downtown, that [13] used to be a yard. So in actuality, there's [14] probably been six times as much rail torn out [15] of the town as the DM&E would like to

have to [16] go through the town.

[17] Other ironies. Your tourist center [18] is in a caboose. Your tourist information [19] center. That's kind of ironic. These coal [20] train signs I see all over, you have had coal [21] trains running through your town for the [22] last 20 years on the Northwestern and now the

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[1] Union Pacific by your flood wall since the [2] day it was erected. it's still standing. I [3] compliment the Corps of Engineers for their [4] fine work.

[5] Another irony I find is that the [6] DM&E hauls coal to one town at present. It [7] has been since start up and that is [8] Rochester, Minnesota. There's a coal fired [9] power plant right in the middle of downtown [10] and we have delivered — I have personally [11] delivered product 30 to 40, 25 car trains to [12] that facility. I think that's pretty ironic.

[13] Otherwise, I'd like to say that the [14] coal pays for the project, but it's not the [15] do all and the end all of the project. We can [16] haul grain. We could haul any commodities. [17] President Scheiffer is wide open to limited [18] passenger excursion trains. We've got three [19] coaches now that the employees can use if we [20] want. he's wide open to anything like that. I [21] realize I have a vested interest because I [22] could be the engineer that hauls you out

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[1] there. But I just think we need to take a [2] longer view. Everybody turns on a light when [3] they get home and wants the light to come on. [4] They sit down at their typewriter to type up [5] a mean letter and that's electric, or [6] computer whatever.

[7] We need electricity and right now [8] coal is it. like I say, it doesn't have to be [9] the do all, end all, but the railroad will [10] not, I don't think, survive unless this [11] project is approved because they've spent a [12] lot of money up to this point. Thank you.

[13] **MR. RIEF:** Tom Rief, 609 Wall [14] Street, north Mankato, Minnesota. I own [15] property at 1717 Third Avenue, 1721 Third [16] Avenue, and 1810 Third Avenue, which is at [17] the Third Avenue crossing. I own property on [18] both the northwest corner of the crossing and [19] the southeast corner of the crossing. [20] There's talk about the option M-3 if that's [21] chosen. There would be an overpass built. [22] If that would be constructed, it would be 25

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[1] foot high in front of our property on both [2] sides and it would eliminate the access, [3] totally, to our property.

[4] So my question is, how will the STB [5] effectively mitigate the loss of access to [6] our property? I'd just like to echo many of [7] the comments that have been made tonight and [8] will we be involved in the Final DEIS when it [9] comes out? Is there comments to that? Thank [10] you.

[11] **MR. ZUPFER:** I'm Curt Zupfer. I [12] spoke this afternoon. I'm not going to cover [13] that. But I think I have been listening to [14] this session and one of the things that [15] bother me is the fact that we've heard a few [16] comments that this railroad will not survive [17] without coal trains. We've heard other [18] comments that the people are in favor of [19] agricultural products being hauled on it. I [20] guess they're being hauled on it now. I guess [21] I don't quite understand how a coal train [22] railroad will help the agricultural products

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[1] reach Japan or wherever else. However, there [2] is probably something there I don't know [3] about the business.

[4] Now, as far as needing coal trains [5] for this, or a coal train approved for this [6] railroad to survive, indicates to me that [7] this railroad is going broke. Now, I don't [8] know if this is true or not. But common [9] sense, and some logic, says that if they need [10] this to survive, they're going broke. Now, [11] your STB sent out statements in a remittance [12] about, oh, six months ago that had statements [13] from the railroad from '95 and '96. Both [14] those statements showed this railroad is [15] making an adequate profit. That's all I know. [16] The later statements, these are what we call [17] ancient history, '97, 8 and 9, I don't know [18] what happened. Maybe they had a dramatic [19] turnaround.

[20] But, anyway the point that I don't [21] like to hear is we need this coal train [22] project for this railroad to survive. I

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[1] think that is not true. it should not be [2] considered. Thank you.

[3] **MR. MCCLEWEN:** I'm Rick McClewen. [4] I live in Mankato Township and I followed [5] this coal train proposal and situation as [6] it's gone through the city and now as it's [7] looking to go through the township. the only [8] thing I can say about the STB and this entire [9] process is I'm overwhelmed at the level of [10] arrogance that our government of the people, [11] the people in this room, will sit here and [12] simply assume that we have to accept this, [13] this, and this. You have heard many people [14] get up here tonight and speak and essentially [15] say the Environmental Impact Statement didn't [16] take into consideration the very things it's [17] supposed to take into con-

sideration. I think [18] at some point there's got to be a real level [19] of accountability as far as that [20] Environmental Impact Statement, as far as [21] this entire project.

[22] I think that it's flawed in many

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[1] respects. I think that for the STB to simply [2] sit there and make a decision that's going to [3] impact all the people in this room, the City [4] of Mankato, I don't buy it. The other thing I [5] don't buy is the agricultural aspect. I have [6] seen trains come and go through southern [7] Minnesota over the last 25 years. I know [8] what's hauled on those trains. You can't put [9] grain in a coal car. I don't think that we [10] have the grain car capacity in southern [11] Minnesota to provide all of that capacity [12] that everybody has alluded to here tonight [13] that we need to haul grain and products to [14] market.

[15] I don't think you have any way to [16] get them from the Powder River Basin to [17] Winona. What are you going to do with the [18] increased barge traffic in Winona? Where is [19] our grain going to go when you send it out to [20] the Powder River Basin? You know, you have [21] got some serious questions here and you have [22] got a group of people who are going to ask

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[1] their elected officials to hold some people [2] accountable. I think the accountability is [3] to the people in this room because we are the [4] government, we are the people that call the [5] shots. To simply have this railroaded down [6] our throats I don't think is very [7] appreciated.

[8] I applaud you folks for coming out [9] here and getting input, but I would urge you [10] to listen to what all these people here had [11] to say tonight. Thank you very much.

[12] **MR. KIBBLE:** Ron Kibble, Route 8. [13] I'm on the Southern Bypass Coalition team, [14] also. I'd just like to make some comments [15] from the financial end. I think just about [16] every other area has been covered this [17] evening and this afternoon.

[18] In 1976 the Railroad Revitalization [19] and Regulatory Reform Act provided about 2 [20] billion dollars for upgrading railroads and I [21] think that kitty is about 3 billion and I'm [22] sure if there wasn't anything in that kitty

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[1] none of us would be in this room right now, [2] and I think that's the prize that is being [3] sought on this whole coal issue. '96 was all a [4] big year. Larry Kresler, the state U.S. [5] Senator from

South Dakota, a former classmate [6] of mine, in fact, was defeated by Tim [7] Johnson. His chief aid at the time was Kevin [8] Scheiffer. At that same time the Union [9] Pacific celebrated their 50 thousandth coal [10] train leaving the Wyoming basin. They also [11] merged with Southern Pacific to become the [12] largest railroad company in the United [13] States.

[14] At that same date, in 1996, they [15] sold 200 miles of the western track to DM&E. [16] Now, I got on the Internet today and looked [17] at some of the history of Union Pacific and [18] seen how they have grown to be the largest [19] company in the United States. Invariably, [20] they end up buying out, probably for 10 cents [21] on a dollar, just about every little rail [22] company that has gone and declared Chapter 7,

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[1] and that's how they've grown where they're at [2] today. So I really feel that the prize in [3] this whole thing is that 3 billion dollars of [4] taxpayers' money sitting in that kitty [5] created by the Railroad Revitalization and [6] Regulatory Reform Act.

[7] My question, can this underfinanced [8] company, DM&E, possibly build us a 21st [9] century railroad? Whether it's in the [10] southern bypass or through Mankato or [11] whatever, if we can, or somebody can put a [12] railroad underneath the English Channel, [13] certainly we ought to be able to figure out [14] noise mitigation and whatever, even if it [15] constitutes building concrete passageways in [16] a tunnel system. certainly we have an [17] existing corridor. There's no sense in [18] having a second corridor in Mankato, which [19] probably will soon have its city limits [20] extended down to County Road 90 (sic).

[21] I would like to see that 3 billion [22] dollars taken by the Federal government and

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[1] purchase the land along Interstate 90, and if [2] coal is so essential to move it on that line [3] along County Road — not County Road 90. I'm [4] sorry. Interstate 90 and forget about coming [5] through the cities that you're talking about [6] going through right now. I think it's [7] paramount that if it's that essential create [8] a whole new coal line and then help these [9] small companies like DM&E upgrade so they can [10] stay within their financial means and exist [11] as a company. Because we really don't need [12] any more Chapter 7s and a half a job done as [13] far as coming through and then not keeping [14] any written agreements or promises. Thank [15] you.

[16] **MR. GARDINER:** Back there? Anyone

[17] else who would like to provide comments?

[18] **SPEAKER:** Can we repeat?

[19] **MR. GARDINER:** Let me just check on [20] people who haven't commented yet.

[21] **MR. SWEERE:** Hello. I'm Alan [22] Sweere. I live at 911 Warren Street in

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[1] Mankato here. I work for the DM&E railroad [2] as a conductor. I'd just like to point out a [3] few points here that no one has really [4] covered. Let's say have a mile long train [5] going 10 mile an hour and that takes six [6] minutes to travel one mile. At 25 miles an [7] hour, it takes two, two minutes and thirty [8] seconds. At 40 miles an hour it takes one [9] minute and thirty seconds. If you equal that [10] all out, that equates to — if 37 trains a [11] day, that equates to what, the trains that we [12] run now at 10 miles an hour in some spots [13] around Mankato.

[14] Mankato is — we run at 10 mile an [15] hour. We are limited to 10 mile an hour [16] through Mankato per rules to the Union [17] Pacific being on their tracks. To touch on [18] the comment of the number of cars available, [19] it's a fact DM&E owns over 6,000 cars of [20] their own to haul corn. Most of those are [21] covered hoppers, let alone cars for cement [22] and bentonite clay which is transported

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[1] around the world to be used in such things as [2] makeup, blast for coal molds and all kinds of [3] stuff.

[4] Then, if you ever been out to [5] Wyoming in the Powder River Basin, those [6] towns live off of railroads. If a person [7] doesn't work for the railroad, they don't [8] have a job. It's a simple fact of life out [9] there. Being that I am partially biased, I [10] work for a railroad, I understand, I also [11] live in the community. I want what's best [12] for everybody, but there's some parts you [13] have got to give and take on.

[14] I just wanted to make a few points, [15] and I do think that the DM&E does have the [16] financial resources to make this project [17] work, so hopefully we can all come together [18] on something. then, also, the DM&E is [19] actually — if the coal project doesn't go [20] through, I think they will go broke. We owe [21] money to the State of South Dakota. We keep [22] taking out loans on top of loans. As a

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[1] business economics aspect, you cannot run [2] trains at 10 miles an hour and make money. [3] It just does not work. Railroads are [4] efficient. They depend

on efficiency to make [5] their living. Thank you.

[6] **MR. GARDINER:** Does anyone else [7] want to provide a comment? Yes, ma'am.

[8] **MS. SIMONSON:** My name is Eunice [9] Simonson. my comment is we ought not to be [10] promoting burning more coal. It's just not [11] good for human beings. in 1994, I lived for [12] six months in southeast Asia where they burn [13] coal. I didn't see blue sky. The sky isn't [14] blue in the big cities. When you come out in [15] the morning it belches this stuff out of the [16] air. By the time I came home my glasses were [17] pock marked. Most of the Chinese have to [18] "hauck" and they spit out big gobs of mucous, [19] and it's all over the streets. they pick in [20] their noses. I did too because you have [21] black stuff inside your nose. When I'd wash [22] my hair, I would have black grease coming

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[1] down my neck and spilling off of my [2] shoulders. You don't want to put more coal [3] dust in the air. Believe me, it's awful. [4] It's really — it's dangerous to our health [5] and it's ugly. The buildings are all covered [6] with soot. I don't want that in Mankato. I [7] don't think that we should impose that on the [8] people out in the East either. Thank you.

[9] **MR. GARDINER:** Thank you. Ma'am, [10] did you want to make a comment?

[11] **MS. SCHALLER:** My name is Sharon [12] Schaller. I live at 55656 Hemlock Road, [13] which is out in South Bend Township. When I [14] was looking over this stuff, one of the [15] things I would like to ask for is a longer [16] comment period for both the 404 permit and [17] the DEIS. When I was looking through the 404 [18] permit application at the library, the copy [19] that's on file at the library does not have [20] any proposal for the bridge over the Blue [21] Earth River where it goes from LeHillier to [22] West Mankato. I would kind of like to see

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[1] what's proposed there and is there any way [2] that the copy that's on file can be completed [3] to have that particular bridge in there also? [4] That's my comments.

[5] **MS. CRAIG:** I'm Ruth Craig. I own [6] property at 414 Park Lane in Mankato and I'd [7] like to "ditto" a lot of things that were [8] said tonight about how this is going to [9] affect people. As I was sitting here [10] tonight, I couldn't help but think of a [11] friend of mine in Montana who is a rancher [12] who many years ago had his ranch bisected [13] when Interstate 90 went through his property. [14] I talked to him 25 years after that [15] interstate went through his property, and [16]

although he was compensated for the land he [17] lost, it affected his life and he still [18] regrets it 25 years later that his life style [19] was changed by that interstate going through [20] his property.

[21] So what I would like to say tonight [22] is that the decisions that the Surface

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[1] Transportation Board is going to be making [2] aren't decisions that are just going to [3] affect people here for the next three years, [4] or five years, this is going to affect people [5] for a very, very long time in the future and [6] I hope that you would take enough time to [7] give everybody enough time to comment on it [8] so that everybody feels that they know that [9] they're well-informed on the issues, that [10] they have time to comment. The way that this [11] is going to affect people's life is very [12] intangible and it's hard to put a dollar [13] figure on it so I can't probably talk as [14] effectively to that point as somebody can [15] talk about the cost of shipping coal some [16] place or another. But I would hope that the [17] intangible things that are going to affect [18] people's lives for a very, very long time [19] into the future will be taken into [20] consideration too. Thank you.

[21] **MR. GOODRICH:** Could I just make [22] one additional comment?

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[1] **MR. GARDINER:** Okay. This woman [2] here wanted to supplement her comment first. [3] I want to be sure that those who haven't [4] commented — somebody else. Yes, ma'am.

[5] **MS. LANGSJOEN:** Thank you. I will [6] be very, very brief. Gail Langsjoen. About a [7] little over four weeks ago a friend of mine [8] was killed here in Mankato. He was cut into [9] one, two, three, four parts. Actually five [10] parts. By trains in down, going through [11] downtown Mankato at 10 miles an hour. He was [12] a homeless man, and maybe that matters and [13] maybe it doesn't. He was my friend, so I [14] think it matters.

[15] The other thing I want to mention [16] is that I do know a lot of homeless tramps, [17] tramps, whose voice I also feel privileged to [18] be able to share with you tonight refuse to [19] ride the DM&E because it's a bumpier ride. [20] The tracks are in such ill repair that it's [21] physically painful to ride the DM&E. [22] I would like to draw our attention

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[1] to page 4.4 through 29 of the DEIS where it [2] states that derailments are unlikely. There [3] is nothing offered in here, no study, no hard [4] data, nothing to substantiate this claim, and [5] I would

like to offer that my own information [6] is that the DM&E has the second worst [7] accident rate — history in the United [8] States. Thank you.

[9] **MR. GARDINER:** Thank you.

[10] **MR. GOODRICH:** It's Ron Goodrich, [11] and thank you once again. I just want to make [12] sure that I understand this whole process [13] before we leave tonight. First of all, we [14] have a draft environmental study that I think [15] a lot of people, a lot of citizens of this [16] area assumed would have much more detail in [17] it, and I think a lot of the citizens were [18] looking for more specifics as far as what [19] types of things the STB was requiring in the [20] form of mitigation. I think based on some of [21] the things we've heard tonight, it's pretty [22] obvious that there's still a lot of questions

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[1] to be answered. There's a lot of things that [2] are, you know, need to be worked on.

[3] So now we enter this period where [4] we have to comment on something that is not [5] very clear in many areas. We have to do so [6] as people that have very little knowledge of [7] this type of a project.

[8] Then, at the end of the, the final [9] draft coming, coming out, are we just then to [10] accept whatever is ultimately your decision, [11] or do we really have another say in this [12] process so that we can comment on something [13] that's a little more specific, or do we just [14] have to accept the Final EIS as it's written [15] and then the ultimate decision that will [16] follow? That's — I guess some clarification [17] on that would be very helpful. Thank you.

[18] **MR. GARDINER:** Thank you. Other [19] comments? Well — I'm sorry. Do you want to [20] provide a comment?

[21] **MR. VESSER:** I want to thank you [22] for allowing me to comment. I hadn't intended

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[1] to, but I have sat here for some time and I [2] have listened to a lot of very valid —

[3] **MR. GARDINER:** Could you state your [4] name, please?

[5] **MR. VESSER:** Richard Vesser. I [6] live in western Brown County at Springfield. [7] I have lived there most of my life. During [8] the process of a lot of people talking about [9] how all of a sudden we're going to have all [10] these trains going and it's going to [11] basically shut down life as we know it. I [12] know in the earlier years, back in the '50s [13] down in western Minnesota on the Chicago [14] Northwestern the same — the same rail, the [15] same ties, only in just a little bit

better [16] condition were running passenger trains that [17] in order to keep on schedule had to sometimes [18] run 70 miles an hour. There weren't any [19] flashing red lights or gates, people didn't [20] try to beat the train when they saw it [21] coming.

[22] I personally know of a number of

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[1] instances in southern Minnesota in the last [2] several years where people tried to beat the [3] train, went around the flashing lights, and [4] the bells ringing and the stop arms down and [5] they came out second. if you come in second [6] when you beat a train with a vehicle, you're [7] history.

[8] Trying to put down the need for [9] coal power plants and to meet the emission [10] standards that are coming up, we talk about [11] the black soot and the other problems they [12] have in other parts of the world, you look at [13] the vapors coming off of a coal fired power [14] plant with the environmental controls as they [15] are today, they have to meet some very [16] expensive controls and in the summertime when [17] there isn't a great deal of difference in the [18] temperature, you can't even see what's coming [19] off of there. I know 40 years ago most every [20] power plant a big, black plume of smoke [21] coming out of it and you knew they were [22] generating power.

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[1] So it's going to be hard for those [2] of you that are opposed to it adding any more [3] coal plants that we're going to use renewable [4] power resources. I'm very familiar with the [5] wind generating up in the Lake Benton area [6] and I know the man from Zaun in California [7] that designed and built those. They run [8] about 37 percent of the time. Do you think — [9] is there anyone in the room here that's going [10] to want to sit in the dark the other 63 [11] percent of the time?

[12] Someone mentioned solar generating. [13] It's a known fact that a solar panel is not a [14] producer of electric power, it's a user. I'll [15] clarify that. The energy it takes to build [16] the solar panel and put the system in [17] operation takes more energy from somewhere [18] else than the unit will ever produce. I have [19] a little map here. I'll probably send a [20] better copy of it to you later. But after we [21] knew that this railroad project could be a [22] reality, and I certainly support it

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[1] percent, we, through private donations in [2] Springfield, raised 1.2 million dollars, [3] built a community center 100 feet away from [4] the track. It's com-

pletely paid for by [5] volunteers, and in its first year we have had [6] people use it to the extent of over 23,000 [7] people. I couldn't find one person that was [8] adversely affected in even the most minute [9] way by the fact that track is that close to [10] our facility. Thank you.

[11] **MR. GARDINER:** I think that [12] concludes the comments. Again, I appreciate [13] the very thoughtful comments from all of you [14] and from all the people who left a little [15] earlier. Again, if you have statements or [16] you have filled out a written comment sheet, [17] please leave them with us and we certainly [18] welcome your written comments by January 5th. [19] Thank you very much for coming.

[20] (Whereupon, at 9:28 p.m., the [21] PROCEEDINGS were adjourned.)



**\$**

\$11 316:15  
\$20 285:17  
\$200,000 86:19; 165:3  
\$225,000,000 58:9  
\$27 294:17  
\$30 316:18  
\$30,000 162:16  
\$300,000 102:21  
\$50,000 292:18  
\$500,000 292:15

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1 218:13, 13, 14  
1,000 241:16; 334:18  
1.2 363:2  
1.3 62:1  
1.4 139:19  
1.6 126:22  
1.7 85:21  
10 16:12; 44:13; 65:4;  
75:17; 96:22; 97:3; 128:2;  
134:17; 137:1, 3, 6; 146:1;  
164:14; 188:6; 202:6;  
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353:2; 357:11  
100 137:4; 207:8; 215:10;  
216:3; 223:2, 9, 11;  
228:17; 233:15; 239:9, 11;  
295:12; 331:11, 12;  
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101. "To 218:14  
104 302:5  
105 242:3  
10th 11:14; 184:8  
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